

Texas, so as to exempt the premiums or assessments collected by county mutual insurance companies from the tax provided in said bill, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

**SIXTY-SEVENTH DAY—**  
Continued.

(Thursday, April 29, 1937)

The Senate met at 10 o'clock a. m. and was called to order by the President Pro Tempore.

**Reports of Standing Committees.**

(By Unanimous Consent.)

Reports on Senate Bills Nos. 498, 499, 500, on House Bills Nos. 1052, 51, 1016, 610, 710, 260, 1074, 1065, 999, 1043, 1042, 1070, 1108, 410, 1064, 588, 1137, 1077, 1120 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

**Message From the House.**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 1065, A bill to be entitled "An Act to amend Section 12, S. B. No. 248, Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, and San Jacinto Counties, Texas."

H. B. No. 1070, A bill to be entitled "An Act declaring it unlawful to take, hunt, trap, shoot or kill any wild pheasant in Smith County, Texas, for a period of three years; prescribing penalty for the violation of the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1073, A bill to be entitled "An Act amending Article 5135, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

(With engrossed riders.)

H. B. No. 1074, A bill to be entitled "An Act to change and prescribe the time for holding District Court of the Ninth Judicial District of the State of Texas; and to conform all writs and processes of such court to such changes, and make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties in said district, as herein fixed, and to validate the summoning of grand and petit jurors, and juries; and providing for the continuation of court in session in said district when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1075, A bill to be entitled "An Act amending Chapter 174, Special Laws of the Forty-second Legislature, Regular Session, by adding thereto a new Section to be known as Article 3883 (c), fixing the maximum fee to be retained by the county clerk in counties containing a population of not less than 10,370 nor more than 10,475, according to the last preceding Federal Census, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1077, A bill to be entitled "An Act making it unlawful for any person or persons to take fish from the waters of Caddo Lake of the Counties of Harrison and Marion by use of a trot line on which hooks are less than three feet apart; providing a penalty, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1081, A bill to be entitled "An Act making it unlawful to trap, snare, shoot, catch or kill any wild fox in Bell County for a period of two (2) years, providing a penalty, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1086, A bill to be entitled "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session as amended by Chapter 340, Acts of the

Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, by providing that in counties containing not less than 29,500 nor more than 30,000 population according to the last preceding Federal Census the Justice of the Peace shall be allowed to retain out of the fees collected by such officer the sum of Twenty-four Hundred (\$2400.00) Dollars, and declaring an emergency."

H. B. No. 1092, A bill to be entitled "An Act amending Articles 1961 and 1962, Revised Civil Statutes of the State of Texas as enacted in 1925, so as to provide for the regular term of the county court for probate business as opening on each Monday of each week during the year and repealing the authority of the commissioners court to establish terms of the probate court; repealing Article 1963, Revised Civil Statutes of Texas as enacted in 1925; and providing for the validation of all judgments rendered at other than regular terms of the probate court, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1093, A bill to be entitled "An Act creating a special road law of Motley County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of January 11, 1937, by the issuance of funding bonds, and setting forth the method of operation; providing that the general laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

H. B. No. 1103, A bill to be entitled "An Act amending Section 5 of Chapter 41, Special Laws of the Forty-fourth Legislature, Regular Session, same being H. B. No. 641, by providing that there shall be a closed season on fishing in the waters of Medina Lake in Bandera County, Texas, during the months of February, March and April of each year, and declaring an emergency."

H. B. No. 1108, A bill to be entitled "An Act amending Article 2327, Revised Civil Statutes of Texas, 1925, as amended by Chapter 59, Acts of

the Forty-first Legislature, Second Called Session, and declaring an emergency."

H. B. No. 1111, A bill to be entitled "An Act amending Subsection 2 of Article 3902, Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-first Legislature, First Called Session, Chapter 92; as amended by Acts of the Forty-second Legislature, Chapter 214; as amended by Acts of the Forty-third Legislature, Chapter 220, paragraph 3; as amended by Acts of the Forty-third Legislature, Second Called Session, Chapter 59, paragraph 2; as amended by Acts of the Forty-third Legislature, Third Called Session, Chapter 63, paragraph 1; as amended by Acts of the Forty-fourth Legislature, Chapter 282, paragraph 1; etc., and declaring an emergency."

H. B. No. 1112, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn or wild quail within the confines of Commissioners' Precinct No. 3, Wharton County, Texas, for a period of five years; prescribing a penalty for the violation of the provisions of this Act, and declaring an emergency."

H. B. No. 1114, A bill to be entitled "An Act making it unlawful for any person to catch or take or attempt to take or catch catfish of less length than nine (9) inches in Burnet County; providing a penalty, and declaring an emergency."

H. B. No. 1115, A bill to be entitled "An Act to validate the organization and creation of all county line rural high school districts, created by General Law or by county boards of trustees; validating the Acts of said county boards of trustees and boards of trustees of such districts; etc., and declaring an emergency."

(With engrossed rider.)

S. B. No. 113, A bill to be entitled "An Act to amend Chapter 209 of the Acts of the Regular Session of the Forty-third Legislature so as to define the rights and duties of the State Board of Education to exact of school districts and cities and towns which have assumed control of public schools located therein the performance of certain prescribed duties in instances wherein all or any part of the bonds of such districts, cities or towns are owned by the permanent school fund; prescribing the duties of such districts,

cities and towns and the rights of bondholders in such instances; prescribing the duties of the Comptroller of Public Accounts in reference thereto; providing for suspension of payments of available and rural aid school funds to such districts, cities and towns as are delinquent; conferring on the State Board of Education authority to cause the resumption of such payments in the manner herein prescribed; conferring on the State Board of Education discretion as to application of moneys remitted for bond purposes; declaring this Act to be cumulative; providing that to the extent that the provisions of this Act are in conflict with other laws, the provisions of this Act shall prevail; providing that in event any sentence, clause or provision contained herein shall be invalid, such partial invalidity shall not affect other provisions of this Act, and declaring an emergency."

(With amendments.)

S. B. No. 141, A bill to be entitled "An Act making certain emergency appropriations for the office of the Secretary of State, and declaring an emergency."

(With amendments.)

S. B. No. 144, A bill to be entitled "An Act amending Articles 4925 and 4926, Revised Civil Statutes, 1925, so as to clarify the same by providing that the total recoveries permitted on the bonds therein provided for shall not exceed the face value of the bonds, and declaring an emergency."

(With amendments.)

S. B. No. 153, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of Texas, 1925, so as to provide for the election of sixty-two members to the State Executive Committee of any political party, one man and one woman from each senatorial district, and providing for meetings of all party State conventions for this purpose; places and times for meetings; length of sessions; election of chairman; and providing method for filling vacancies, and declaring an emergency."

H. B. No. 1117, A bill to be entitled "An Act making it unlawful for any citizen of this State to hunt with a gun in McLennan County without first procuring a general hunting license and providing certain exemptions; providing the fees for such

licenses and the fee to be retained by the collecting officer; providing the disposition of funds collected under this Act; providing a penalty for any violation of this Act; declaring an emergency and the effective date of this Act."

H. B. No. 1118, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of maintaining the public schools and issuing of bonds in common school districts having a taxable valuation of One Million Five Hundred Thousand (\$1,500,000.00) Dollars or less, and declaring an emergency."

H. B. No. 1120, A bill to be entitled "An Act fixing the salary of county commissioners in all counties having an assessed valuation of not less than \$16,000,000.00 nor more than \$17,000,000.00, and containing a population of not less than 19,000 nor more than 19,900 according to the last Federal Census; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1116, A bill to be entitled "An Act making it unlawful for any citizen of this State not a resident of McLennan County to catch or attempt to catch any fish from the waters of McLennan County without having first procured a fishing license, excepting those under seventeen (17) years of age; etc., and declaring an emergency."

H. B. No. 1122, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session as amended by Chapter 28, Acts of the Forty-first Legislature, First Called Session, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session by adding thereto a new Section to be known as Article 1645a providing for county auditors in counties containing a population of not less than 19,150, nor more than 19,175 according to the last preceding Federal Census providing for their compensation and the fund from which it shall be paid, and declaring an emergency."

S. B. No. 470, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the

latest Federal Census had a population of not fewer than thirteen thousand seven hundred (13,700), and not more than thirteen thousand eight hundred (13,800) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Senate Joint Resolution No. 16 With  
House Amendments.**

Senator Moore called up S. J. R. No. 16 from the President's table for consideration of the House amendments to the resolution.

The President Pro Tempore laid the resolution before the Senate and the House amendments were read.

Senator Moore moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the resolution.

Accordingly, the following conferees were appointed on the part of the Senate:

Senators Moore, Shivers, Pace, Burns and Beck.

**Senate Joint Resolution No. 5 on  
Engrossment.**

Senator Sulak called up from the President's table for further consideration at this time (the resolution having been read second time on April 7, 1937, and having been tabled subject to call on April 28, 1937):

S. J. R. No. 5, Proposing an amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance not to exceed Fifteen Dollars (\$15) per person per month to actual bona fide residents of the State of Texas, over the age of sixty-five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Govern-

ment for Old Age Pensions and/or Assistance; levying a two per cent occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities including the gross receipts of places of amusement; creating a Special Old Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

The President Pro Tempore laid the resolution before the Senate, on its passage to engrossment; with amendment by Senator Sulak and substitute by Senator Sulak for the amendment and amendment by Senator Stone to the substitute pending.

Question—Shall the amendment to the substitute be adopted?

Senator Weinert moved to table the amendment to the substitute.

**Relating to Night Session.**

Senator Aikin asked unanimous consent of the Senate, to move, at this time, that the Senate hold a night session tonight, for the purpose of considering local and non-contested bills.

The President Pro Tempore announced there was objection to the motion being made at this time.

**Concurrence in House Amendments  
to S. B. No. 137.**

Senator Rawlings, by unanimous consent, moved at this time, to reconsider the vote by which the Senate refused to concur in the House amendments to S. B. No. 137.

The motion prevailed.

Senator Rawlings then moved that the Senate concur in the House amendments to the bill.

The motion prevailed by the following vote:

Yeas—24.

Brownlee  
Burns

Head  
Hill

Holbrook	Roberts
Lemens	Shivers
Moore	Small
Neal	Spears
Nelson	Stone
Newton	Van Zandt
Oneal	Weinert
Pace	Westerfeld
Rawlings	Winfield
Redditt	Woodruff

Nays—5.

Aikin	Isbell
Beck	Sulak
Collie	

Absent.

Cotten	Davis
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**Senate Bill No. 498 on First Reading.**

Senator Spears, by unanimous consent, moved that the rule limiting the time for introduction of certain bills to the first 45 days of the Session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The following bill then was introduced, read first time and referred to the Committee on Counties and County Boundaries:

By Senator Spears:

S. B. No. 498, A bill to be entitled "An Act amending Article 3935, Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, providing for certain fees of office for justices of the peace; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

**Senate Bills on First Reading.**

(By Unanimous Consent.)

The following (local) bills were laid before the Senate, read first time and referred to the committees indicated:

By Senator Woodruff:

S. B. No. 499, A bill to be entitled "An Act to increase and provide for the salary of the Superintendent of Public Instruction of Denton County; providing for traveling expenses, office expenses; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Educational Affairs.

By Senator Nelson:

S. B. No. 500, A bill to be entitled "An Act creating a Special Road Law for Kent County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$41,500.00 outstanding against its road and bridge fund as of March 15, 1937, by the issuance of funding bonds and setting forth the method of issuing same; validating all Acts of the commissioners' court and of the county officials of said county in authorizing the levying of taxes to pay principal and interest thereon and in issuing and delivering said warrants; provided that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; validating all Acts and proceedings heretofore passed by the commissioners' court in authorizing the refunding of said time warrants into bonds, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

**Senate Bill No. 336 With House Amendments.**

Senator Shivers called up S. B. No. 336 from the President's table, for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate, and the House amendments were read.

Senator Shivers moved that the Senate concur in the House amendments to the bill.

The motion prevailed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

**Senate Bill No. 229 With House Amendments.**

Senator Shivers called up S. B. No. 229 from the President's table, for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate, and the House amendments were read.

Senator Shivers moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

**Senate Bill No. 230 With House Amendments.**

Senator Shivers called up S. B. No. 230 from the President's table, for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate, and the House amendments were read.

Senator Shivers moved that the Senate concur in the House amendments to the bill.

The motion prevailed by the following vote:

## Yeas—30.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

## Nays—1.

Aikin

**Senate Joint Resolution No. 5 on Engrossment.**

The Senate resumed consideration of pending business, same being S. J. R. No. 5, on its passage to engrossment with amendment by Senator Sulak, substitute by Senator Sulak for the amendment, amendment by Senator Stone to the substitute, and motion by Senator Weinert to table the amendment to the substitute pending.

On motion of Senator Hill, the resolution was tabled subject to call.

**House Bill No. 55 on Passage to Third Reading.**

Senator Hill called up H. B. No. 55 from the President's table for further consideration at this time; the bill having been read second time on April 28, 1937, and tabled subject to call at that time.

The President laid the bill before the Senate, on its passage to third reading; with amendment by Senator Aikin pending.

Senator Lemens offered the following substitute for the amendment:

Amend H. B. No. 55, page 1, line 35, by substituting "\$3.00" for "\$5.00," and "\$36.00" for "\$75.00."

The substitute was adopted.

The amendment as substituted was adopted.

H. B. No. 55 was passed to third reading.

**House Bill No. 55 on Third Reading.**

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 55 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent.

Cotten

**Providing for Night Session.**

Senator Aikin, by unanimous consent, moved at this time that a night session be held tonight for the consideration of local and non-contested bills.

The motion prevailed.

**Messages From the House.**

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,  
Austin, Texas, April 29, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the conference committee report on S. B. No. 137, by a vote of 76 to 53, and requested the Conference Committee to consider further the differences between the two Houses.

The House has concurred in Senate amendments to H. B. No. 654 by a vote of 121 yeas and 0 nays.

The House has concurred in Senate amendments to H. J. R. No. 23 by a vote of 122 yeas and 0 nays.

The House has concurred in Senate amendments to H. B. No. 291 by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution: H. C. R. No. 111, Suspending Section 21 of the Joint Rules of the House and Senate for the purpose of taking up and considering in the House at 2:00 o'clock p. m., Thursday, H. B. No. 838 (the Judiciary Appropriation Bill), until the same is finally disposed of.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Concurrent Resolution No. 111.**

The President Pro Tempore laid before the Senate the following resolution, received from the House today:

H. C. R. No. 111, Authorizing the House of Representatives to consider H. B. No. 838, (the Judiciary Appropriation Bill) today, Thursday, April 29, 1937.

The resolution was read.

Senator Collie moved that the Senate rule requiring concurrent reso-

lutions to be referred to a committee be suspended, and that the regular order of business be suspended, to permit consideration of the resolution at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

**Yeas—16.**

Aikin	Neal
Beck	Newton
Burns	Pace
Collie	Shivers
Davis	Van Zandt
Hill	Weinert
Holbrook	Westerfeld
Lemens	Woodruff

**Nays—10.**

Brownlee	Small
Isbell	Spears
Moore	Stone
Nelson	Sulak
Rawlings	Winfield

**Present—Not Voting.**

**Head**

**Absent.**

Oneal	Roberts
Redditt	

**Absent—Excused.**

**Cotten**

The resolution was referred to Committee on Rules.

**House Bills on First Reading.**

The following bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 1116, to Committee on Game and Fish.

H. B. No. 1117, to Committee on Game and Fish.

H. B. No. 1115, to Committee on Educational Affairs.

H. B. No. 1118, to Committee on Educational Affairs.

H. B. No. 1120, to Committee on Counties and County Boundaries.

H. B. No. 1103, to Committee on Game and Fish.

H. B. No. 1093, to Committee on Counties and County Boundaries.

H. B. No. 1092, to Committee on Counties and County Boundaries.

H. B. No. 1108, to Committee on State Affairs.

H. B. No. 1111, to Committee on Counties and County Boundaries.

H. B. No. 1122, to Committee on Counties and County Boundaries.

H. B. No. 1086, to Committee on Counties and County Boundaries.

H. B. No. 1112, to Committee on Counties and County Boundaries.

H. B. No. 1077, to Committee on Game and Fish.

H. B. No. 1073, to Committee on Civil Jurisprudence.

H. B. No. 1070, to Committee on Game and Fish.

H. B. No. 1075, to Committee on Counties and County Boundaries.

H. B. No. 1081, to Committee on Game and Fish.

H. B. No. 1065, to Committee on Judicial Districts.

H. B. No. 1074, to Committee on Judicial Districts.

H. B. No. 1114, to Committee on Game and Fish.

H. B. No. 1074, to Committee on Judicial Districts.

H. B. No. 1065, to Committee on Judicial Districts.

**Bills and Resolutions Signed.**

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. B. No. 64, "An Act to amend Title 130 of the Revised Civil Statutes of 1925, as amended, so as to protect the claimant or beneficiary of Workmen's Compensation Insurance by simplifying the procedure in the courts and by providing a more equitable basis for allowing attorneys fees in such cases; providing that in such cases certain facts shall be presumed unless denied under oath; and further providing that attorneys fees in such cases shall be allowed only on a basis of benefits accruing to the beneficiary or claimant; and declaring an emergency."

S. B. No. 66, "An Act to amend the second paragraph of Section 1, of Article 8309 of the Revised Civil Statutes of the State of Texas of 1925, captioned "Employee"; enlarging the scope of its meaning, and defining same; and declaring an emergency."

S. B. No. 284, "An Act providing for the creation of corporations for the purpose of establishing, main-



taining, operating and engaging in the business of grading, constructing of terraces and drainage structures and all other forms of dirt construction work, and declaring an emergency."

S. B. No. 289, "An Act creating a Special Road Law for Fannin County, Texas, providing that said county may fund or refund the interest-bearing time warrants outstanding against its Road and Bridge Fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay, etc."

S. B. No. 397, "An Act amending Chapter 2, Title 8, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, by adding thereto Article 601-A, providing that in all counties having therein a city of one hundred thousand or more population, as shown by the last preceding Federal Census, the judge of the court having jurisdiction of a capital case in which a motion for special venire has been made, shall grant or refuse such motion at his discretion and upon his refusal to grant same, require the case to be tried by the regular jurors summoned for service and such additional talesman as may be ordered in the courts of such county; etc., and declaring an emergency."

H. C. R. No. 107, Granting the House permission to consider local and uncontested bills from 4:30 to 6:00 o'clock p. m., Wednesday, April 28, 1937.

H. C. R. No. 109, Authorizing the House of Representatives to consider certain House bills on Thursday night, April 29, 1937.

H. B. No. 782, "An Act to amend Article 2746, Chapter 13, Revised Civil Statutes, and declaring an emergency."

#### Senate Joint Resolution No. 5 on Engrossment.

Senator Sulak called up S. J. R. No. 5 from the President's table on its passage to engrossment; with amendment by Senator Sulak, substitute by Senator Sulak for the amendment, amendment by Senator

Stone to the substitute and motion by Senator Weinert to table the amendment to the substitute pending.

Question first recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—20.

Aikin	Rawlings
Beck	Redditt
Burns	Roberts
Davis	Small
Hill	Spears
Holbrook	Van Zandt
Isbell	Weinert
Nelson	Westerfeld
Oneal	Winfield
Pace	Woodruff

Nays—7.

Collie	Newton
Head	Stone
Lemens	Sulak
Moore	

Present—Not Voting.

Neal

Absent.

Brownlee Shivers

Absent—Excused.

Cotten

Senator Hill offered the following amendment to the substitute:

Amend pending substitute to S. J. R. No. 5 by striking out all below the resolving clause and inserting in lieu thereof:

Proposition 1.

Section 1. That Section 51-b, of Article III of the Constitution of the State of Texas be so amended as to hereafter read as follows:

Sec. 51-b. (1) The Legislature shall have power by general laws to provide for financial assistance not to exceed Fifteen (\$15.00) Dollars per month to individuals over the age of sixty-five (65) years, to needy individuals who are blind; to needy individuals who are unfit for employment due to disease, and to needy dependent children, and to provide reasonable facilities for promoting and protecting the health of needy mothers and children, including adequate medical, surgical and corrective services and care for crippled children. No such financial assist-

ance shall be granted to an habitual criminal, habitual drunkard or to an inmate of any State supported institution, and such assistance shall be confined to actual bona fide citizens of Texas who have resided in this State for as many as five years during the nine years immediately preceding the grant of assistance and continuously for one year immediately preceding such grant, provided the Legislature may impose such requirements as to residence and citizenship of dependent mothers and children as may by it seem proper.

(2) To provide revenue with which to discharge the functions authorized herein the Legislature may accept financial aid from the United States Government and shall levy and cause to be collected a tax on retail sales not to exceed two (2%) per cent of the gross amounts thereof. The term "retail sale" shall mean the sale or transfer of any goods, wares, merchandise, or tangible personal property for a valuable consideration when such transfer is made by one in the ordinary course of his business to the ultimate consumer for consumption or use, or for any purpose other than for resale, or use in processing, or manufacturing, or for use by the United States Government, the State of Texas, or any political subdivision thereof. The term "retail sale" shall not include isolated or occasional sales of tangible property made by a person not engaged in the retail business nor to the sale of agricultural, dairy or livestock products when sold by the actual producer, nor to sales of motor fuel, tobacco and tobacco products, spirituous, vinous or malt liquors. All revenues derived from such sales tax authorized herein shall be collected and placed in a special fund or funds, and used solely for the purpose of discharging the functions herein authorized, including necessary cost of administration. No sales tax in excess of two (2%) per cent shall ever be imposed for any purpose, and the power to levy additional taxes on retail sales or to provide additional revenue for such functions is expressly withdrawn.

Sec. 2. That Section 9 of Article VIII of the Constitution of Texas be amended so as to hereafter read as follows:

Sec. 9. The State tax on property shall be restricted to the tax neces-

sary to pay the public debt, to provide aid for Confederate soldiers and sailors and their widows, taxes provided for the benefit of public free schools, not to exceed thirty-five cents on the One Hundred Dollars valuation sufficient to meet the purposes for which the diversions or remissions were made by law, and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the One Hundred Dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, A. D. 1883; and for the erection of public buildings, streets, sewers, waterworks and other permanent improvements, not to exceed twenty-five cents on the One Hundred Dollars valuation in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws.

Sec. 3. The Legislature shall, at the first session following the adoption of this amendment, enact a graduated income tax law providing a tax on the net incomes of all persons, corporations, firms, associations, copartnerships or joint stock companies residents or doing business in the State of Texas and whose net incomes exceed One Thousand (\$1,000.00) Dollars per year in the case of all unmarried persons, corporations, firms, associations, copartnerships or joint stock companies, whose net incomes exceed Fifteen Hundred (\$1500.00) Dollars in the case of all married persons, with an exemption in the case of single and married persons of Five Hundred (\$500.00) Dollars for each person dependent upon the taxpayer other than the spouse.

## Proposition 2.

Section 1. That Section 51-b of Article III of the Constitution of the State of Texas be so amended as to hereafter read as follows:

Sec. 51-b. (1) The Legislature shall have power by General Laws to provide, under such limitations, restrictions and regulations as may be deemed expedient by the Legislature, for financial assistance in equal and uniform individual payments not to exceed Fifteen (\$15.00) Dollars per month to needy individuals over the age of sixty-five (65) years, and to provide financial assistance to needy individuals who are blind, to needy individuals who are unfit for employment due to disease, and to needy dependent children, and to provide reasonable facilities for promoting and protecting the health of needy mothers and children, including adequate medical, surgical and corrective services and care for crippled children. No such financial assistance shall be granted to an habitual criminal, habitual drunkard or to an inmate of any State supported institution, and such assistance shall be confined to actual bona fide citizens of Texas who have resided in this State for as many as five years during the nine years immediately preceding the grant of assistance and continuously for one year immediately preceding such grant, provided the Legislature may impose such requirements as to residence and citizenship of dependent mothers and children as may by it seem proper.

(2) To provide revenue with which to discharge the functions authorized herein, the Legislature may accept financial aid from the United States Government, and shall levy a gross production tax or severance tax on the natural resources of this State as follows:

1. On crude oil, not less than eight per cent (8%) of the market value thereof when the price of crude oil is in excess of One Dollar (\$1.00) per barrel; and when the price of crude oil is less than One Dollar per barrel, not less than Eight Cents (8c) per barrel.

2. On sulphur and/or brimstone, not less than ten per cent (10%) of the value of the same at the mine, provided such tax shall not at any

time be less than \$1.75 per long ton.

3. On natural gas, not less than six per cent (6%) of the value thereof provided said tax shall not be less than one-half cent ( $\frac{1}{2}$ c) per thousand cubic feet at the well.

4. On carbon black, six per cent (6%) of the cash market value thereof provided that said tax shall at no time be less than one cent (1c) per pound.

The revenue derived from the imposition of such taxes shall be apportioned as follows: one-fourth to the Permanent School Fund of the State of Texas, one-fourth to the General Revenue Fund of the State of Texas, and one-half for the purpose of discharging the functions set forth in Section 51-b of Article 3 of the Constitution of the State of Texas.

Sec. 2. That Section 9 of Article VIII of the Constitution of Texas be amended so as hereafter read as follows:

Sec. 9. The State tax on property shall be restricted to the tax necessary to pay the public debt, to provide aid for Confederate soldiers and sailors and their widows, taxes provided for the benefit of public free schools, as well as taxes heretofore diverted, relinquished or remitted to counties which taxes shall be levied, assessed and collected annually during the period of remission or diversion at a rate not to exceed Thirty-five Cents on the One Hundred Dollars valuation sufficient to meet the purposes for which the diversions or remissions were made by law; and no county, city or town shall levy more than Twenty-five Cents for city or county purposes, and not exceeding Fifteen Cents for roads and bridges and not exceeding Fifteen Cents to pay jurors, on the One Hundred Dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, A. D. 1883; and for the erection of public buildings, streets, sewers, waterworks and other permanent improvements, not to exceed Twenty-five Cents on the One Hundred Dollars valuation in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a

majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed Fifteen Cents on the One Hundred Dollars valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for Special or Local Laws.

Sec. 3. The foregoing proposed Constitutional amendment shall be submitted to the qualified electors of the State of Texas on the fourth Monday in August 1937, at which election there shall be printed on such ballot the following words:

"Proposition 1. For the amendment to Section 51-b of Article 3 of the Constitution, giving the Legislature power to provide assistance not to exceed Fifteen (\$15.00) Dollars per month to persons over the age of sixty-five (65) years, to individuals who are blind, and to needy, dependent children, and providing for the protection of the health of dependent mothers and children, including crippled children; authorizing a sales tax of two per cent (2%) and a graduated income tax to provide revenue therefor, and amending Section 9 of Article 8 of the Constitution so as to eliminate the State ad valorem tax on tangible property."

"Against the amendment to Section 51-b of Article 3 of the Constitution, giving the Legislature power to provide assistance to persons not to exceed Fifteen (\$15.00) Dollars per month over the age of sixty-five (65) years, to individuals who are blind, and to needy, dependent children, and providing for the protection of the health of dependent mothers and children, including crippled children; authorizing a sales tax of two per cent (2%) and a graduated income tax to provide revenue therefor, and amending Section 9 of Article 8 of the Constitution so as to eliminate the State ad valorem tax on tangible property."

"Proposition 2. For the amendment to Section 51-b of Article 3 of the Constitution, giving the Legislature power to provide assistance in equal and uniform individual payments not to exceed Fifteen Dollars per month to needy persons over the

age of sixty-five (65) years, and to individuals who are blind and to needy, dependent children, and to provide for the protection of the health of dependent mothers and children, including crippled children; authorizing a gross production tax on natural resources of the State, oil, sulphur, gas and carbon black, to provide revenue therefor, and amending Section 9 of Article 8 of the Constitution of the State so as to eliminate the State ad valorem tax on tangible property."

"Against the amendment to Section 51-b of Article 3 of the Constitution giving the Legislature power to provide assistance in equal and uniform payments not to exceed Fifteen Dollars per month to needy persons over the age of sixty-five (65) years, and to individuals who are blind and to needy, dependent children, and to provide for the protection of the health of dependent mothers and children, including crippled children; authorizing a gross production tax on the natural resources of the State, oil, sulphur, gas and carbon black, to provide revenue therefor, and amending Section 9 of Article 8 of the Constitution of the State so as to eliminate the State ad valorem tax on tangible property."

If it appears from the returns from said election that a majority of the votes cast are in favor of Proposition 1 as herein set out, the same shall become a part of the State Constitution, but if it appears from the returns of said election that a majority of the votes cast are in favor of Proposition 2 the same shall become a part of the State Constitution, but if it shall appear that the affirmative of both said propositions 1 and 2 have been rejected, then the present Constitutional provision relating to Old Age Assistance will remain unimpaired, it being the purpose of the Legislature to submit to the people of the State of Texas the foregoing two propositions for the determination of the electors of the State which of the two they shall choose.

Sec. 4. The Governor shall issue the necessary proclamation for such election and shall have the same published and such election held as provided by the Constitution and laws of the State.

Sec. 5. The sum of Ten Thousand

(\$10,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the funds of the Treasury not otherwise appropriated to pay the expenses of such publication and election.

(Senator Van Zandt in the Chair.)

Question—Shall the amendment to the substitute be adopted?

**House Bill No. 1071 on Second Reading.**

On motion of Senator Stone and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1071, A bill to be entitled "An Act to be designated as Article 2350m, providing for traveling expenses for members of the commissioners' court in certain counties in this State, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, and it was read second time.

Senator Stone offered the following amendment to the bill:

Amend H. B. No. 1071 by adding the following after the figures 22,650 to-wit: "and counties having a population of not less than twenty-five thousand three hundred and ninety-four and not more than twenty-five thousand four hundred and four."

The amendment was adopted.

H. B. No. 1071 was passed to third reading.

**House Bill No. 1071 on Third Reading.**

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1071 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Hill
Beck	Holbrook
Brownlee	Isbell
Burns	Lemens
Collie	Moore
Davis	Neal
Head	Nelson

Newton	Spears
Oneal	Stone
Pace	Sulak
Rawlings	Van Zandt
Redditt	Weinert
Roberts	Westerfeld
Shivers	Winfield
Small	Woodruff

Absent—Excused.

Cotten

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Cotten

**House Concurrent Resolution No. 111.**

Senator Spears, by unanimous consent, moved that H. C. R. No. 111 be withdrawn from the Committee on Rules, that the Senate rule requiring concurrent resolutions to be referred to a committee be suspended and that the regular order of business be suspended, to permit consideration of the resolution at this time.

The motion prevailed unanimously.

The resolution then was adopted.

**Senate Bill No. 501 on First Reading.**

Senator Davis, by unanimous consent, moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time a general bill.

The motion prevailed by the following vote:

## Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

## Absent—Excused.

Cotten

The following bill then was introduced, read first time and referred to the Committee on State Affairs:

By Senator Davis:

S. B. No. 501, A bill to be entitled "An Act granting to Silas Gotcher and also Mrs. Katie Gotcher and husband, S. N. Gotcher, their heirs and assigns permission to bring suit against the State of Texas and the State Highway Department in the district or other court of Brown County, Texas, for damages alleged to have been sustained by the said Silas Gotcher in the complete demolishment of a 1930 Chevrolet sedan in Brown County, Texas, and for damages alleged to have been sustained by Mrs. Katie Gotcher on account of personal injuries to her occasioned by the demolishment of said Chevrolet sedan automobile on November 6, 1936, by reason of the collision of an automobile owned by the State Highway Department and the State of Texas, with the above named Chevrolet sedan of the said Silas Gotcher, said collision having occurred in Brown County, Texas, and said State and Highway owned automobile being driven by an employee of the State Highway Department and State of Texas in the course of his employment, and said collision alleged to have been caused by the careless and negligent driving by said employee of the State Highway Department; providing that such suit may be filed either jointly by the said Silas Gotcher and Mrs. Katie Gotcher and husband, S. N. Gotcher, or separately by the said Silas Gotcher and Mrs. Katie Gotcher and husband,

S. N. Gotcher, within two years after the effective date of this Act, providing for the method of serving process and for procedure governing the trial and determination of such suit; making an appropriation, and declaring an emergency."

## Recess.

On motion of Senator Roberts, the Senate, at 12:10 o'clock p. m., took recess to 2.30 o'clock p. m., today.

## Afternoon Session.

The Senate met at 2:30 o'clock p. m., and was called to order by Senator Van Zandt.

## Senate Joint Resolution No. 5 on Engrossment.

The Senate resumed consideration of pending business, same being S. J. R. No. 5, on its passage to engrossment; with amendment by Senator Sulak, substitute by Senator Sulak for the amendment, and amendment by Senator Hill to the substitute, pending.

Question—Shall the amendment to the substitute be adopted?

Senator Collie offered the following amendment to the amendment to the substitute:

Amend the Hill amendment by adding another sentence at the end of Section 3, page 7, as follows:

"Provided that in the event both propositions shall receive a majority of the votes cast upon such issues at such election then, and in that event, the proposition receiving the greater number of votes shall prevail over the other, and be adopted as an amendment to the State Constitution, and the Legislature shall then pass enabling Acts effectuating the proposition receiving the greater number of votes."

The amendment to the amendment to the substitute was adopted.

Senator Head moved that the resolution and pending amendments be laid on the table.

Senator Sulak raised the point of order that there is not a quorum present.

The Presiding Officer directed the Secretary to call the roll to ascertain whether or not there was a quorum present.

The roll was called, and twenty-

seven Senators answered to their names.

A quorum was announced present.

Question recurring on the motion to table S. J. R. No. 5, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—3.

Burns Head  
Cotten

Nays—26.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Collie	Roberts
Davis	Shivers
Hill	Small
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent.

Redditt Spears

Senator Brownlee offered the following amendment to the amendment to the substitute:

Amend Hill substitute to S. J. R. No. 5, page 2, line 5, by inserting after the word "products" the following: ", or livestock."

The amendment to the amendment to the substitute was adopted.

Senator Holbrook moved to table the amendment to the substitute as amended.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Davis	Rawlings
Head	Roberts
Holbrook	Shivers
Neal	Small
Nelson	Stone
Newton	Van Zandt
Oneal	Weinert
Pace	Winfield

Nays—14.

Aikin	Collie
Beck	Cotten
Brownlee	Hill
Burns	Isbell

Lemens  
Moore  
Spears

Sulak  
Westerfeld  
Woodruff

Absent.

Redditt

Question—Shall the substitute for the amendment be adopted?

Senator Oneal offered the following amendment to the substitute:

Amend the pending Sulak floor substitute for S. J. R. No. 5 by substituting a semi-colon for the "period" after the word "purposes" at the end of the third paragraph of section one (1) thereof and adding the following:

"and it is further provided that no tax shall be levied on sales to or for the use of the United States Government, the State of Texas, or any political subdivision thereof."

The amendment to the substitute was adopted.

Senator Westerfeld offered the following amendment to the substitute:

Amend Sulak amendment page 2 line 14, by adding after the word "purposes" the following:

"or what is commonly known as Little Theatres which are not operated for private profit."

The amendment to the substitute was adopted.

Senator Brownlee offered the following amendment to the substitute:

Amend Sulak amendment to S. J. R. No. 5, page 2, line 12, by inserting after the word "products" the words ", or livestock."

The amendment to the substitute was adopted.

Senator Rawlings offered the following amendment to the substitute:

Amend by adding after the word "assistance" in line 21 of the mimeographed bill the following:

"and the other purposes herein provided for."

The amendment to the substitute was adopted.

Senator Brownlee offered the following amendment to the substitute:

Amend pending substitute by Sulak by adding to line 17, page 2, the following:

"Provided also that the tax shall not be levied on retail sales of food, articles for the preparation of food, drugs for medicinal use, or materials for use in building homes, including

houses for rent, nor articles of clothing retailing for less than twenty-five dollars."

Senator Sulak moved to table the amendment to the substitute.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—13.

Burns	Roberts
Cotten	Small
Davis	Stone
Holbrook	Sulak
Neal	Van Zandt
Pace	Weinert
Rawlings	

## Nays—16.

Aikin	Nelson
Brownlee	Newton
Collie	Oneal
Head	Shivers
Hill	Spears
Isbell	Westerfeld
Lemens	Winfield
Moore	Woodruff

## Absent.

Beck	Redditt
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Senator Woodruff moved the previous question on the amendment to the substitute and the motion was not seconded.

Question recurring on the amendment to the substitute, yeas and nays were demanded.

The amendment to the substitute was lost by the following vote:

## Yeas—14.

Aikin	Lemens
Brownlee	Moore
Collie	Nelson
Cotten	Oneal
Head	Shivers
Hill	Spears
Isbell	Westerfeld

## Nays—17.

Beck	Roberts
Burns	Small
Davis	Stone
Holbrook	Sulak
Neal	Van Zandt
Newton	Weinert
Pace	Winfield
Rawlings	Woodruff
Redditt	

Senator Neal offered the following amendment to the substitute:

Amend S. J. R. No. 5 by adding at the end of the first paragraph of Section 1 the following:

The Legislature shall provide by law for the retention of a lien on all property of which the recipient of a pension or assistance may die, siezed or possessed, in order to secure the State of Texas in the repayment of any and all money that may be advanced to the owner of such property as a pension or as assistance and shall provide adequate laws for the enforcement of such liens.

Senator Sulak moved to table the amendment to the substitute.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—11.

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Sulak
Collie	Westerfeld
Cotten	

## Nays—19.

Davis	Roberts
Holbrook	Shivers
Moore	Small
Neal	Spears
Nelson	Stone
Newton	Van Zandt
Oneal	Weinert
Pace	Winfield
Rawlings	Woodruff
Redditt	

## Absent.

Lemens

Question then recurring on the amendment to the substitute, yeas and nays were demanded.

The amendment to substitute was adopted by the following vote:

## Yeas—16.

Davis	Roberts
Holbrook	Shivers
Moore	Small
Neal	Stone
Nelson	Van Zandt
Oneal	Weinert
Pace	Winfield
Rawlings	Woodruff

## Nays—12.

Aikin	Brownlee
Beck	Burns



Collie	Isbell
Cotten	Redditt
Head	Sulak
Hill	Westerfeld

Present—Not Voting.

Newton

Absent.

Lemens

Spears

Question next recurring on the substitute as amended, yeas and nays were demanded.

The substitute as amended was lost by the following vote:

Yeas—12.

Davis	Roberts
Moore	Small
Neal	Stone
Pace	Van Zandt
Rawlings	Weinert
Redditt	Woodruff

Nays—16.

Aikin	Holbrook
Beck	Isbell
Brownlee	Newton
Burns	Oneal
Collie	Shivers
Cotten	Spears
Head	Sulak
Hill	Westerfeld

Absent.

Lemens	Winfield
Nelson	

Question then recurring on the amendment of Senator Sulak to the resolution, it was adopted.

Senator Head offered the following amendment to the resolution:

Amend the Sulak amendment to S. J. R. No. 5 by adding a new section appropriately numbered to read as follows:

No person shall be eligible for a pension under this amendment who is not a citizen of the United States or who has become a naturalized citizen after the adoption of this amendment.

Question—Shall the amendment be adopted?

#### House Concurrent Resolution No. 112.

The Presiding Officer laid before the Senate the following resolution, received from the House today:

H. C. R. No. 112, Recalling H. B. No. 1016 from the Senate.

On motion of Senator Holbrook and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, and the regular order of business was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

#### Bills Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following bills:

S. B. No. 137, "An Act providing for and fixing the salaries of the members of the Judiciary of the State of Texas, amending Section 1 of H. B. No. 280, Chapter 148, Acts of the Regular Session of the Forty-third Legislature, as amended by Section 1 of H. B. No. 417, Chapter 355, Acts of the Regular Session of the Forty-fourth Legislature; repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 153, "An Act to amend Article 3139 of the Revised Civil Statutes of Texas, 1925, so as to provide for the election of sixty-two members of the State Executive Committee of any political party, one man and one woman from each senatorial district, and providing for meetings of all party State conventions for this purpose; places and times for meetings; length of sessions; election of chairman; and providing method for filling vacancies, and declaring an emergency."

S. B. No. 470, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than thirteen thousand seven hundred (13,700), and not more than thirteen thousand eight hundred (13,800) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

#### Senate Bill No. 144 With House Amendment.

Senator Lemens called up S. B. No. 144 from the President's table,

for consideration of the House amendment to the bill.

The Presiding Officer laid the bill before the Senate, and the House amendment was read.

Senator Lemens moved that the Senate do not concur in the House amendment and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following conference committee on the part of the Senate:

Senators Lemens, Redditt, Woodruff, Brownlee and Shivers.

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, April 29, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. J. R. No. 2, and requests the Senate for the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs: Stinson, Moffett, Alexander, Gibson, Leonard.

The House has concurred in Senate amendments to H. B. No. 975 by a vote of 120 yeas, 1 nay.

The House has passed the following bills and resolutions:

S. B. No. 386, A bill to be entitled "An Act creating the Panhandle Water Conservation Authority as a body politic and corporate, defining its boundaries, specifying its powers and duties, providing for its officers and the amount and manner of compensating same and their duties and powers; providing for the diversion of certain State ad valorem taxes, and declaring an emergency."

(With amendments.)

H. C. R. No. 112, Requesting the return of H. B. No. 1016 to the House of Representatives, heretofore passed finally, for the purpose of obtaining a record vote on same.

S. B. No. 435, A bill to be entitled "An Act making an appropriation of

\$10,000 to be used by the Attorney General for the purpose of paying costs and expenses in prosecuting the suit of the State of Texas for recovery of transfer, succession or inheritance tax against the estate of Edward H. R. Green, under the provisions of Chapter 5, Title 122, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

The House has laid on the table by a viva voce vote the following bill:

H. B. No. 1087, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than ten thousand (10,000) and not more than fifteen thousand (15,000) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

The House has refused to concur in Senate amendments to H. B. No. 55 and requests the Senate for the appointment of a free conference committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs. Alsup, Thornton, Brown, Tarwater, Hankamer.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Conference Committee on House Joint Resolution No. 2.

Senator Redditt moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. J. R. No. 2 be granted.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following free conference committee on the part of the Senate:

Senators Redditt, Small, Weinert, Stone and Moore.

#### Senate Bill No. 502 on First Reading.

Senator Woodruff moved that the rule limiting the time for introduction of certain bills to the first 45

days of the session be suspended, to permit the introduction at this time of a general bill.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The following bill then was introduced, read first time, and referred to the Committee on Civil Jurisprudence:

By Senator Woodruff:

S. B. No. 502, A bill to be entitled "An Act to amend Chapter 382, Acts of the First Called Session of the Forty-fourth Legislature, amending Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than twenty-one (21) nor more than forty (40) days from the date of such order, and that notice shall be given by posting a substantial copy of the election order in named public places not less than twenty-one (21) days before the election and in addition shall be published on the same day in each of three (3) successive weeks in a newspaper of general circulation within the county, city, or town, the date of the first publication to be not less than twenty-one (21) days before the date set for the election; that this act shall control over any provision of any city charter to the contrary; that the general law shall govern the manner of holding such elections except as herein provided; and validating all proceedings heretofore had in the issuance and sale of bonds by counties, cities, and towns, where said bonds have been approved by the Attorney General of Texas and registered by the

Comptroller of Public Accounts of Texas, and all bonds issued by counties, cities, and towns which have been approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts, and all tax levies made therefor, with the exception of bonds which have been adjudged to be invalid by a court of competent jurisdiction or which are involved in litigation on the effective date of this act; and declaring an emergency."

Senate Bill No. 503 on First Reading.

(By Unanimous Consent.)

The following (local) bill was introduced, read first time and referred to the Committee on Game and Fish:

By Senator Brownlee (by request):

S. B. No. 503, A bill to be entitled "An Act amending Acts of 1935, 44th Legislature, Special Laws, Page 1210, Chapter 45, prohibiting transportation of minnows of any and all species outside of the counties wherein such minnows are caught, seined, or taken, by adding thereto the County of Williamson and Burnet; and declaring an emergency."

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on Senate Bill No. 144. The following are conferees on the part of the House:

Messrs. Fox of Williamson, Jones of Wise, Lankford, Kelt, and Powell.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Joint Resolution No. 16. The following conferees are appointed on the part of the House:

Messrs. Morse, Howard, Hefin, Winfree and Mann.

The House has passed the following bill:

S. B. No. 407, A bill to be entitled "An Act authorizing the Railroad

Commission of Texas to promulgate rules, regulations and orders to prevent or lessen drainage from any developed property caused or threatened by the production of gas from any gas well in any common reservoir in this State, and to prevent or lessen the drainage of gas as between different zones in such common reservoirs; authorizing the Railroad Commission to restrict and regulate the production of gas from wells and zones to prevent or lessen drainage; authorizing the Railroad Commission to issue all rules, regulations and orders necessary to enforce the law; authorizing zoning of any common reservoir; defining terms; prescribing the minimum limits to which the production of any well may be restricted; prohibiting production in excess of the amount fixed by the Railroad Commission; providing for cumulative production; prescribing penalties and suits for their collection; providing for injunctions to restrain violations; providing for suits to test the validity of any rules, regulations and orders; repealing all laws in conflict with this Act; and declaring an emergency."

(With amendments.)

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Recess.

On motion of Senator Hill, the Senate, at 5 o'clock p. m., took recess to 7:30 o'clock p. m. today.

#### Night Session.

The Senate met at 7:30 o'clock p. m., and was called to order by the President Pro Tempore.

#### Reports of Standing Committees.

(By Unanimous Consent.)

Reports on Senate Bill No. 471; on House Bills Nos. 1141, 1122, 1115, 352, 1117, 1116, 1086, and on House Concurrent Resolution No. 102, were submitted by the Chairmen of the several committee to which the bills were referred. (See appendix for reports in full.)

#### Senate Joint Resolution No. 5 on Engrossment.

The Senate resumed consideration of pending business, same being S. J. R. No. 5 on its passage to en-

grossment, with amendment by Senator Head pending.

Question—Shall the amendment be adopted?

On motion of Senator Woodruff, the resolution was tabled subject to call.

#### Senate Bill No. 499 on Second Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 498 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate on its second reading.

On motion of Senator Woodruff and by unanimous consent, Senate Rule No. 48 was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

#### Senate Bill No. 499 on Third Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 499 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff
Rawlings	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

**House Bill No. 1023 on second Reading.**

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1023, A bill to be entitled "An Act creating a special road law for Jeff Davis County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of February 1, 1937, setting forth the method of operation; validating all acts and proceedings heretofore had by the commissioners' court of said county and officers thereof in respect to the funding or refunding of said indebtedness; validating certain items of indebtedness heretofore authorized by said commissioners' court; etc., and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 1023 on Third Reading.**

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1023 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

**House Bill No. 1108 on Second Reading.**

Senator Weinert moved that the constitutional rule requiring bills to

be read on three several days be suspended and that H. B. No. 1108 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate.

On motion of Senator Weinert and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

## House Bill No. 1108 on Third Reading.

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1108 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

## House Bill No. 441 on Second Reading.

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 441, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of 1925, as amended by H. B. No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature of 1936; and to repeal Section 17, Chapter 40, Acts of the Forty-first Legislature, First Called Session, as relates to the payment of taxes; and to amend Article 4769, Revised Civil Statutes of 1925, as amended by said H. B. No. 8 above referred to; and to amend Article 7064a, as enacted by H. B. No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature aforesaid; and amending Article 7064 relating to insurance companies, corporations, reciprocals and other organizations or concerns transacting the business of fire, marine, marine inland, accident, credit, title livestock, fidelity, guaranty, surety, casualty or any other kind or character of insurance business other than life insurance and fraternal benefit associations; etc., and declaring an emergency."

The President Pro Tempore laid

the bill before the Senate and it was read second time.

Senator Van Zandt offered the following (committee) amendments to the bill:

(1)

Amend Section 1b of H. B. No. 441 so as to strike out the language at the beginning of said Section: "That a new Article be added to Chapter 2, Title 122, Revised Civil Statutes of Texas of 1925, to be called Article 7064a to read as follows:"

and insert in lieu thereof the following:

"That Article 7064a as contained in Section 5b of Article IV of House Bill No. 8 passed at the Third Called Session of the 44th Legislature be amended so as to hereafter read as follows:"

(2)

Amend H. B. No. 441, Section 1, by inserting immediately following "1925" in line 15, page 5, the following:

"Taxes provided in House Bill 258, Acts of the 45th Legislature, Regular Session."

And amend the caption to conform.

The (committee) amendments were adopted severally.

H. B. No. 441 was passed to third reading.

**House Bill No. 441 on Third Reading.**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 441 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Lemens
Beck	Moore
Brownlee	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers

Small  
Spears  
Stone  
Sulak  
Van Zandt

Weinert  
Westerfeld  
Winfield  
Woodruff

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

**House Bill No. 823 on Second Reading.**

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 823, A bill to be entitled "An Act to amend Section 1, of Chapter 473, page 1866, Second Called Session, Forty-fourth Legislature, by removing the population classification therefrom, and declaring an emergency."

The President Pro Tempore laid the bill before then Senate, it was read second time and was passed to third reading.

**House Bill No. 823 on Third Reading.**

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 823 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

**House Bill No. 1137 on Second Reading.**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1137, A bill to be entitled "An Act appropriating any and all unexpended balances remaining of that certain appropriation made by the Forty-fourth Legislature, Regular Session, 1935, Section Seven (7) of Chapter 131, being S. B. No. 467, as shown by the Acts of said session, page 359, et seq., for the location, establishment, erection, equipment and completion of a tuberculosis sanatorium for Negroes to be known

as the State Tuberculosis Sanatorium for Negroes; providing the rules and regulations governing the expenditure thereof, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate.

On motion of Senator Nelson and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill then was read second time and was passed to third reading.

**House Bill No. 1137 on Third Reading.**

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1137 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31.

Aikin	Isbell
Beck	Lemens
Brownlee	Moore
Burns	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Head	Pace
Hill	Rawlings
Holbrook	Redditt



Roberts	Van Zandt
Shivers	Weinert
Small	Westerfeld
Spears	Winfield
Stone	Woodruff
Sulak	

**Senate Bill No 193.**

Senator Van Zandt moved to reconsider the vote by which the report of the Free Conference Committee on S. B. No. 193 was adopted, and to re-commit the report to the Conference Committee for further consideration.

The motion prevailed.

**Report of Conference Committee on Senate Bill No. 193.**

Senator Van Zandt submitted the following report of the Free Conference Committee on S. B. No. 193:

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the difference between the Senate and House on S. B. No. 193, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that S. B. No. 193 be adopted in form hereto attached.

Very respectfully,

WINFIELD,  
STONE,  
HEAD,  
WESTERFELD,  
SPEARS,

On the part of the Senate.

BRADFORD,  
FARMER,  
FELTY,  
TALBERT,  
BRADBURY,

On the part of the House.

By Winfield. S. B. No. 193.

**A BILL**  
to be entitled

An Act authorizing private corporations heretofore incorporated for the purpose of operating street or interurban railways, where said private corporations have totally abandoned such operations prior to January 1st, 1934, to amend their charters so as to include as a separate purpose of the corpora-

tion the acquiring, owning and operating of motor vehicles and motor buses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, provided, however, this limit shall not be construed to prohibit any corporation conforming with this Act from contracting for chartered passenger service beyond said five mile limit under such reasonable regulations as may be legally imposed from time to time by such cities and towns within the limits thereof and by the Commissioners' Courts of counties as to operations outside of the limits of such cities and towns; providing that nothing in this Act shall be construed as affecting the Railroad Commission's authority to continue regulation of buses and motor vehicles operating under its jurisdiction; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That private corporation heretofore incorporated for the purpose of operating street or interurban railways, which said private corporations have totally abandoned such operations prior to January 1, 1934, may amend their charters so as to include as a separate purpose of the corporation the acquiring, owning and operating of motor vehicles and motor buses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, provided however, this limit shall not be construed to prohibit any corporation conforming with this Act from contracting for chartered passenger service beyond said five mile limit, under such reasonable regulations as may be legally imposed from time to time by such cities and towns within the limits thereof and the Commissioners' Courts of counties as now prescribed by Article 6548.

Sec. 2. If the boundary of one city or town is contiguous with the boundary or boundaries of another city or town or other cities or towns,

the authority granted under Section 1, hereof to operate within five miles thereof, shall be construed to include any territory within five miles of the limits of any such contiguous city or town.

Sec. 3. Nothing in this Act shall be construed to deprive the Railroad Commission of Texas, of its exclusive authority to continue the regulation of buses and motor vehicles operating under its jurisdiction; nor shall this Act relieve such operators of the requirement to secure certificates or permits from the Railroad Commission authorizing such operations.

Sec. 4. Provided before any such amendment may be filed with the Secretary of State the officers and directors of any corporation shall file an affidavit with the Secretary of State giving a detailed itemized statement of what money and property is held or owned by it and the actual cash market value of each such item of property.

Sec. 5. The fact that the operation of street railways has been abandoned either in whole or in part by street and interurban railway companies, and on account of it being desirable that the public be furnished with some character of street transportation by motor vehicle or motor bus by companies heretofore engaged in the street transportation business creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days be suspended, and it is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

Senator Van Zandt moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Moore
Beck	Neal
Brownlee	Nelson
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Small
Lemens	Spears

Stone  
Sulak  
Van Zandt  
Weinert

Westerfeld  
Winfield  
Woodruff

#### Senate Bill No. 486 on Second Reading.

On motion of Senator Small, and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 486, A bill to be entitled "An Act amending S. B. No. 527 passed at the Regular Session of the Forty-third Legislature, 1933; providing for changing and prescribing times of holding court in the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances, and making them returnable to the terms of courts in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to engrossment.

#### Senate Bill No. 486 on Third Reading.

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 486 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Neal
Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak

Van Zandt  
Weinert  
Westerfeld

Winfield  
Woodruff

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

#### House Bill No. 675 on Second Reading.

On motion of Senator Westerfeld and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 675, A bill to be entitled "An Act to amend Article 2371 of the Revised Civil Statutes of 1925, by providing that in all counties of this State, having a population of more than three hundred thousand, according to the last United States census; the Commissioners' Court in such county may expend, in furnishing a rest room for women in the court house, or in court house buildings, or on court house grounds, a sum not to exceed three hundred dollars; and may expend for its maintenance, including the compensation paid by the county to the matron, an amount not to exceed One Hundred Dollars per month, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 675 on Third Reading.

Senator Westerfeld moved that the constitutional rule requiring bills

to be read on three several days be suspended and that H. B. No. 675 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

#### House Bill No. 790 on Second Reading.

On motion of Senator Redditt, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 790, A bill to be entitled "An Act repealing House Bill 124, Chapter 456, Acts of the First Called Session of the Forty-fourth Legislature, relating to the selling, taking or possession, for barter or sale, of

wild fox or the pelt, in Newton and Jasper Counties."

The President Pro Tempore laid the bill before the Senate and it was read second time.

Senator Redditt offered the following amendment to the bill:

Amend H. B. No. 790 by striking out the word "Jasper" wherever the same appears in the caption and body of the bill.

And amend caption to conform.

The amendment was adopted.

H. B. No. 790 was passed to third reading.

#### House Bill No. 790 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 790 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Lemens
Beck	Moore
Brownlee	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers

Small  
Spears  
Stone  
Sulak  
Van Zandt

Weinert  
Westerfeld  
Winfield  
Woodruff

#### Bills Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 291, "An Act to amend Chapter 83, S. B. No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, by amending Section 4 of said Act by adding, at the end of such Section the following: 'Provided, that any person who has to his credit in any standard college or university of Texas as much as six (6) hours of American Government, shall be deemed to have met the requirements of this Section,' and declaring an emergency."

H. B. No. 634, "An Act to amend Subdivision 38, of Article 19, Title 8, Revised Statutes of 1925, as amended by Act of the Forty-first Legislature at its Regular Session, page 125, Chapter 60, Sections 1, 2, and 3, and providing for changing and prescribing terms and times for holding the courts in the counties composing the 38th Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under this Act; to repeal all laws and parts of laws in conflict herewith; and providing the time this Act shall take effect, and declaring an emergency."

H. B. No. 772, "An Act amending Section 9 of Chapter 101 of the General and Special Laws of the First Called Session of the Forty-third Legislature, being House Bill No. 31 and as amended by Chapter 346 of the General and Special Laws of the Regular Session of the Forty-fourth Legislature, being House Bill No. 991; providing the method of disbursement of the funds of such fireman, policeman, and fire alarm operator's pension fund, the Section of said Acts so amended hereinafter set out, and declaring an emergency."

H. B. No. 804, "An Act to make it unlawful to keep, impound, confine or transport game fish in live boxes or ponds, or to have in live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported and to possess, keep or place in storage more than seventy-six game fish in Harrison and Marion Counties, State of Texas; defining the terms 'live box,' 'pond,' 'in storage,' and 'game fish,' as used in this Act; providing for the liberation or donation to a charitable institution or charitable cause, of fish confined or impounded, or kept in storage, in violation of this Act, and providing penalties for the violation of this Act, and declaring an emergency."

H. B. No. 846, "An Act making it unlawful to take or kill by trap, snare or deadfall any fur bearing animals in Harrison County; providing certain exceptions; providing the length of this Act; describing a penalty and declaring an emergency."

H. B. No. 938, "An Act amending Article 3605, to provide for the appointment of a guardian for a non compus mentis interested in an estate subject to division; providing for appointment of a guardian ad litem and/or attorney to represent non-residents and unknown parties having an interest in said property, and declaring an emergency."

H. B. No. 971, "An Act repealing Chapter 174, Special Laws of the Forty-second Legislature, Regular Session, and declaring an emergency."

H. B. No. 1005, "An Act amending Title 25 of Article 911b, Section 6, paragraph (d) of Vernon's Annotated Texas Statutes by providing that the Railroad Commission of Texas may issue special permits to transport used office furniture and equipment for hire by motor vehicles, and declaring an emergency."

H. B. No 1048, "An Act granting the Commissioners' Court of Taylor County permission to pay out of the general fund of said county bounties for the destruction of rabbits and ravens, and declaring an emergency."

H. B. No. 1139, "An Act to create Dallas County Levee Improvement District Number Fourteen, of Dallas County, Texas, embracing lands in the County of Dallas, Texas, and lying within the boundaries of Dallas County Levee District Number Two, as a conservation and reclamation

district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries; providing for board of supervisors thereof; authorizing the Commissioners Court of Dallas County, Texas, to redefine the boundaries of Dallas County Levee District Number Two, so that the same will conform to the boundaries of the District hereby created; enacting provisions relative to bond debts outstanding against Dallas County Levee District Number Two, etc., and declaring an emergency."

H. B. No. 625, "An Act amending Article 5449, 1925 Revised Civil Statutes, as amended by Chapter 291, of the General Laws of the Regular Session of the Forty-fourth Legislature, so as to provide that when any abstract of judgment has been recorded it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county, said lien to continue for four years from the date of such record and index, except that if during said four-year period the judgment becomes dormant said lien shall thereupon cease to exist, and so as to provide that the lien of any judgment so recorded and indexed prior to the effective date of this Act, if then valid, shall continue for four years from the effective date of this Act except that if during said four years the judgment becomes dormant said lien shall thereupon cease to exist, and declaring an emergency."

H. B. No. 1088, "An Act providing for emergency relief for Kingsland Common School District No. 29, of Llano County, Texas, to aid said district in the payment of teachers' salaries and in equipping said school building in which there has been an influx of children within scholastic age since the last scholastic enumeration in the State; making an appropriation to said district for said purposes prescribing the manner of disbursing the funds appropriated by this Act, and declaring an emergency."

C. S. for H. J. R. No. 23, Proposing an amendment to the Constitution of the State of Texas to be

known as Article VIII, Section 20, providing that ad valorem taxes shall be assessed and levied in such way as to permit the payment during the months of October, November and December of the year for which such taxes are assessed, or certain percentages of the amount that such taxes would be if paid after the expiration of the year and providing that the Legislature shall never remit any interest or penalties; providing for an election on the question of adoption or revocation and making an appropriation therefor; providing for the proclamation and publication thereof; prescribing the form of ballot.

H. B. No. 515, "An Act to prohibit the killing, capturing or taking possession of any wild fox in Lamar County for a period of five years from and after the passage of this Act; prescribing a penalty, for violation, and declaring an emergency."

H. B. No. 518, "An Act to amend Chapter 2 of Title 116 of the Revised Civil Statutes of Texas, 1925, by adding to said Chapter a new Article to be known as 'Article 6711-A', providing that upon application of ten (10) or more resident citizens of the County of Trinity, or one person living within an enclosure of two thousand (2,000) acres or more in said County, the Commissioners' Court of said County shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes or bays in the County of Trinity; providing for notice and hearing on said application; . . . etc., and declaring an emergency."

H. B. No. 127, "An Act to authorize payments of funds arising out of liquidated and uncontested claims in favor of minors, lunatics, idiots, and non compos mentis; and to provide for the disposition of such funds so paid, etc., and declaring an emergency."

#### House Bill No. 1086 on Second Reading.

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1086 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	

Nays—2.

Lemens	Woodruff
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The President Pro Tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 1086, A bill to be entitled "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, by providing that in counties containing not less than 29,500 nor more than 30,000 population according to the last preceding Federal Census the justice of the peace shall be allowed to retain out of the fees collected by such officer the sum of twenty-four hundred (\$2,400.00) dollars, and declaring an emergency."

On motion of Senator Holbrook and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### House Bill No. 1086 on Third Reading.

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1086 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	

Nays—2.

Lemens                      Woodruff

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Committee Substitute for Senate Bill No. 84 on Second Reading.**

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

C. S. for S. B. No. 84, A bill to be entitled "An Act to provide, with approval of court, the purchase by guardian of life insurance and/or annuity contracts for benefit of his or her ward; and further amending Article 4180 of the Revised Civil Statutes of the State of Texas, 1925, Acts 1929, Forty-first Legislature, Chapter 305, page 684, paragraph 1, relating to the investment of surplus funds of ward in the hands of guardians, or loan same, designating certain investments that may be made, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to engrossment.

**Committee Substitute for Senate Bill No. 84 on Third Reading.**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 84 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin	Newton
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	

Nays—6.

Collie	Pace
Isbell	Sulak
Oneal	Woodruff

**Senate Bill No. 480 on Second Reading.**

On motion of Senator Rawlings and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 480, A bill to be entitled "An Act to amend Article 7057b, Section 2, Revised Civil Statutes, H. B. No. 11, Act of the Regular Session, Forty-third Legislature, so as to clarify the kind of suits to be included

in a class action as provided in Section 2 of said article; to provide that suit may be filed in a court of competent jurisdiction in Travis County, Texas, when the total taxes accrued comes in the jurisdiction of said court; to provide that original petitions may be amended to include additional taxes paid under protest; providing that the provisions of this Act shall apply to taxes paid under protest and where suits are now pending testing the validity and correctness of such taxes, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 480 on Third Reading.**

Senator Rawlings moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 480 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Westerfeld
Lemens	Winfield
Neal	Woodruff

Nays—2.

Moore	Weinert
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Absent—Excused.

Roberts	Stone
Spears	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—20.

Aikin	Burns
Beck	Collie

Cotten	Nelson
Davis	Newton
Head	Rawlings
Hill	Redditt
Holbrook	Small
Isbell	Van Zandt
Lemens	Winfield
Neal	Woodruff

Nays—7.

Brownlee	Shivers
Moore	Sulak
Oneal	Weinert
Pace	

Absent.

Westerfeld

Absent—Excused.

Roberts	Stone
Spears	

**Senate Bill No. 461 on Final Passage.**

Senator Rawlings called up from the President's table on its final passage (the bill heretofore having been read third time and tabled subject to call):

S. B. No. 461, A bill to be entitled "An Act amending Article 463 of the Code of Criminal Procedure, 1925, as amended in Section 4, Chapter 143, Acts of Forty-second Legislature, in 1931, relating to the issuance of subpoenas in felony cases pending in district or criminal district courts of this State; providing the manner in which subpoenas shall be applied for, the form and contents of the subpoena, who shall receive the benefits of the subpoena, and how often a subpoena for a witness in a case in counties having a population of 190,000 inhabitants or less according to the last preceding Federal Census may be issued, and how often a subpoena for a witness in a case in counties having a population in excess of 190,000 inhabitants according to the last preceding census may be issued, and declaring an emergency."

The President Pro Tempore then laid the bill before the Senate on its final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin	Burns
Beck	Collie
Brownlee	Cotten



Davis	Rawlings
Head	Redditt
Hill	Shivers
Holbrook	Small
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—1.

Sulak

Present—Not Voting.

Oneal	Pace
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Absent—Excused.

Roberts	Stone
Spears	

**House Bill No. 137 on Second Reading.**

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 137, A bill to be entitled "An Act authorizing trustees of common school districts and common consolidated school districts to make contracts with superintendents and principals providing for the length of time of such employment, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 137 on Third Reading.**

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 137 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Beck	Head
Brownlee	Hill
Burns	Holbrook
Collie	Lemens
Cotten	Moore
Davis	Neal

42—Jour.

Nelson	Small
Newton	Van Zandt
Oneal	Weinert
Pace	Westerfeld
Rawlings	Winfield
Redditt	Woodruff
Shivers	

Nays—3.

Aikin	Sulak
Isbell	

Absent—Excused.

Roberts	Stone
Spears	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill No. 467 on Second Reading.**

On motion of Senator Oneal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 467, A bill to be entitled "An Act to amend Article 2792, Revised Civil Statutes of Texas, so as to provide that where the trustees of an independent school district have the county assessor and collector of taxes assess and collect the taxes for said district, the property of such district may be assessed at a greater value than the property is assessed for county and state purposes; provided, that such property may not be assessed at a greater valuation than its fair market value, or if it has no market value, than its intrinsic value, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 467 on Third Reading.**

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 467 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

## Absent—Excused.

Roberts	Stone
Spears	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

## Absent—Excused.

Roberts	Stone
Spears	

(Senator Redditt in the Chair.)

## House Bill No. 1091 on Second Reading.

On motion of Senator Newton and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1091, A bill to be entitled "An Act validating the creation and organization of independent school districts, and validating the action of any County Board of Trustees with reference to the creation of

school districts out of another independent school district, making this Act applicable to certain counties according to the last preceding Federal Census, and providing that no part of this Act shall affect any litigation now pending, and that only Acts passed by four-fifths majority of the County Board of Trustees shall be valid, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

## House Bill No. 1091 on Third Reading.

Senator Newton moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1091 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

## Absent—Excused.

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28.

Aikin	Head
Beck	Hill
Brownlee	Holbrook
Burns	Isbell
Collie	Lemens
Cotten	Moore
Davis	Neal

Nelson	Small
Newton	Sulak
Oneal	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Shivers	Woodruff

Absent—Excused.

Roberts	Stone
Spears	

#### House Bill No. 275 on Passage to Third Reading.

Senator Nelson called up from the President's table, for further consideration at this time (the bill having been read second time and tabled subject to call on April 28, 1937):

H. B. No. 275, A bill to be entitled "An Act to provide for the repurchase of land located in Dallam and Hartley Counties heretofore set apart to build the Capitol of the State of Texas, that has been recovered by the State, and repurchased as provided by the laws of this State and forfeited or that is subject to being forfeited for nonpayment of interest or principal accrued prior to the date of the passage of this Act, and giving a preference right to the owners of such lands or part thereof at any time within ninety (90) days after the date of notice of revaluation of such land to repurchase the same upon the terms and conditions provided in Chapter 94, page 267, Acts of 1925, as amended by Acts of 1926, Thirty-ninth Legislature, First Called Session, page 43, Chapter 25, and providing that any owner or owners of such land may ask that such owner or owners land forfeited as provided by law whether the same is delinquent or not and that he be allowed to repurchase said land at the price placed thereon by a new appraisal; providing for reappraisal of said land and further providing for the payment of taxes on said land, and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its passage to third reading.

Senator Nelson offered the following (committee) amendments to the bill:

(1)

Amend the caption of H. B. No. 275 by inserting between the word

"interest" in line 5 and the word "and" in line 6 the following:

"And certain lands in Block 76 in Loving County not forfeited, reappraised, and repurchased under the terms and conditions provided in Chapter 94, page 267, Acts of 1925, as amended by the Acts of 1926, Thirty-ninth Legislature, First Called Session, Chapter 25, page 43."

(2)

Amend H. B. No. 275 by inserting between the word "interest" in line 6 and the word "and" in line 6 the following:

"And such lands in Block 76 in Loving County, Texas, not forfeited, reappraised, and repurchased under the provisions of Chapter 94, page 267, Acts of 1925, as amended by the Acts of 1926, Thirty-ninth Legislature, First Called Session, Chapter 25, page 43."

The (committee) amendments were adopted severally.

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 275 by adding a new Section to be known as Section 1-A, which shall read as follows:

"Section 1-a. When the Commissioner of the General Land Office has reappraised the above mentioned land, he shall submit a statement to the Governor and the Attorney General showing the valuation placed upon each separate tract and it shall be the duty of the Governor and the Attorney General to approve or disapprove the valuations placed upon said property and to advise the Commissioner of the General Land Office of such approval or disapproval of said valuations and if said valuations are approved by both the Governor and the Attorney General, the same shall be sold as above provided, but unless both the Governor and the Attorney General approve such valuations, no such sale shall be made."

The amendment was adopted.

H. B. No. 275 was passed to third reading.

#### House Bill No. 275 on Third Reading.

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 275 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28.**

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

**Absent—Excused.**

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—26.**

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

**Nays—2.**

Hill	Sulak
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**Absent—Excused.**

Roberts	Stone
Spears	

**House Bill No. 861 on Passage to Third Reading.**

Senator Neal called up from the President's table on its passage to third reading (the bill heretofore having been read second time and tabled subject to call):

H. B. No. 861, A bill to be entitled

"An Act authorizing political subdivisions of the State of Texas to lease lands owned by such subdivisions for mineral development purposes and prescribing the method and manner of making such leases, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, on its passage to third reading.

Senator Neal offered the following amendment to the bill:

Amend H. B. No. 861, page 2, Section 2a, by inserting a comma instead of a period after the word "royalty" and inserting the words "provided further that in no case shall the primary term of said lease be for more than a period of ten (10) years from the date of execution and approval thereof."

The amendment was adopted.

H. B. No. 861 was passed to third reading.

**House Bill No. 861 on Third Reading.**

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 861 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—27.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Head	Sulak
Hill	Van Zandt
Holbrook	Weinert
Isbell	Westerfeld
Lemens	Winfield
Neal	Woodruff
Nelson	

**Nays—1.**

Moore

**Absent—Excused.**

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—22.

Beck	Newton
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Head	Van Zandt
Holbrook	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff

## Nays—6.

Aikin	Moore
Hill	Oneal
Isbell	Sulak

## Absent—Excused.

Roberts	Stone
Spears	

## House Bill No. 893 on Second Reading.

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 893, A bill to be entitled "An Act to amend Section 6 of H. B. No. 303, Chapter 245, page 856 of the Acts of the Regular Session of the Forty-third Legislature as amended by H. B. No. 373; Chapter 264, page 651 of the Acts of Regular Session of the Forty-fourth Legislature to exempt from the provisions thereof associations which are not operated for profit and which pay no salaries or commissions to anyone and which limit their membership to employees and the families of employees of any designated firm, corporation or individual; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

## House Bill No. 893 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be

read on three several days be suspended and that H. B. No. 893 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27.

Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

## Nays—1.

Aikin

## Absent—Excused.

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26.

Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

## Nays—2.

Aikin Nelson

## Absent—Excused.

Roberts	Stone
Spears	

## Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
refused to concur in Senate amend-  
ments to H. B. No. 650 and has re-  
quested the appointment of a con-  
ference committee to consider the  
differences between the two Houses.

The following are appointed on  
the part of the House:

Messrs. Beckworth, Cleveland,  
Bradbury, Pope and Hyder.

The House has granted the request  
of the Senate for the appointment of  
a conference committee on S. B. No.  
259.

The following conferees are ap-  
pointed on the part of the House:

Messrs. Jones of Atascosa,  
Knetsch, Keith, Leonard and Gibson.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 233 on Second Reading.

On motion of Senator Lemens and  
by unanimous consent, the regular  
order of business was suspended, to  
take up and have placed on its sec-  
ond reading and passage to third  
reading:

H. B. No. 233, A bill to be entitled  
"An Act authorizing Mrs. Fannie  
Williams, a widow, to sue the State  
of Texas and/or the State Highway  
Commission in its official capacity,  
on account of damages to Block 28-A  
Williams Addition to Waxahachie,  
Ellis County, Texas, by reason of the  
construction over and maintenance  
across said lot of State Highway No.  
6, etc."

The Presiding Officer laid the bill  
before the Senate, it was read sec-  
ond time and was passed to third  
reading.

#### House Bill No. 233 on Third Reading.

Senator Lemens moved that the  
constitutional rule requiring bills to  
be read on three several days be  
suspended and that H. B. No. 233 be  
placed on its third reading and final  
passage.

The motion prevailed by the fol-  
lowing vote:

#### Yeas—28.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

#### Absent—Excused.

Roberts	Stone
Spears	

The Presiding Officer then laid the  
bill before the Senate, on its third  
reading and final passage.

The bill was read third time and  
was passed by the following vote:

#### Yeas—28.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

#### Absent—Excused.

Roberts	Stone
Spears	

#### House Concurrent Resolution No. 81.

On motion of Senator Moore and  
by unanimous consent, the regular  
order of business was suspended, to  
take up for consideration at this  
time, the following resolution:

H. C. R. No. 81, Granting Cleo  
Fletcher permission to sue the State  
of Texas.

The Presiding Officer laid the reso-  
lution before the Senate and it was  
adopted.

#### House Bill No. 1115 on Second Reading.

On motion of Senator Isbell and  
by unanimous consent, the regular

order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1115, A bill to be entitled "An Act to validate the organization and creation of all county line rural high school districts, created by General Law or by County Boards of Trustees; validating the acts of said County Boards of Trustees and Boards of Trustees of such districts; etc., and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 1115 on Third Reading.

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1115 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

Absent—Excused.

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin	Davis
Beck	Head
Brownlee	Hill
Burns	Holbrook
Collie	Isbell
Cotten	Lemens

Moore	Shivers
Neal	Small
Nelson	Sulak
Newton	Van Zandt
Oneal	Weinert
Pace	Westerfeld
Rawlings	Winfield
Redditt	Woodruff

Absent—Excused.

Roberts	Stone
Spears	

#### House Bill No. 146 on Second Reading.

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 146, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of 1925, as amended by the Acts of 1927, Fortieth Legislature, Chapter 228; providing for juvenile officers; providing for their selection, compensation, expenses, and prescribing their duties; providing for the assistants; providing all things necessary and incident to the main purpose of this Act, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 146 on Third Reading.

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 146 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Moore
Beck	Neal
Brownlee	Nelson
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Shivers
Holbrook	Small
Isbell	Sulak
Lemens	Van Zandt

Weinert                      Winfield  
Westerfeld                  Woodruff

**Absent—Excused.**

Roberts                      Stone  
Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28.**

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

**Absent—Excused.**

Roberts                      Stone  
Spears

**Senate Bill No. 437 on Second Reading.**

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 437, A bill to be entitled "An Act making it unlawful for butane, or liquified petroleum gas, or artificial or natural gas to be handled, stored, sold or distributed in this State by any person, firm, corporation, or other concern, without first being malodorized or odorized, so that it will be perceptible and recognizable by the sense of smell, etc."

The President laid the bill before the Senate and it was read second time.

Senator Hill offered the following amendment to the bill:

Amend S. B. No. 437 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That from and after the final passage and approval of this Act, in order that the danger of escaping combustible gases may be minimized and to facilitate the quick detection of gas leaks, it shall be unlawful for any person or persons, firm, corporation, municipality or otherwise, association or any distributing system, unit, or plant of any kind in this State engaged in the business of handling, storing, selling, or distributing natural and liquefied petroleum gases, and other odorless gases, for private or commercial uses, or supplying the same by pipe lines or otherwise to any public building or buildings, or the general public, to store, sell or deliver the same to any private or commercial user or to any public building without being odorized by an agent of such character as to positively indicate by a distinctive odor the presence of gas; such agent shall be nontoxic and noncorrosive and not harmful to leather diaphragms in gas equipment, and said agent and the method of using it must be approved by the Railroad Commission of Texas after thorough tests and investigations made by them or upon their order, and set forth and described in any orders, rules, and regulations promulgated by said Railroad Commission of Texas under the terms and provisions of this Act.

Sec. 2. The Railroad Commission of Texas shall immediately upon the passage of this Act, be empowered, and shall investigate the use of odorized gas by any firms or corporations now using the same to issue rules and regulations requiring all persons, firms, corporations, and others mentioned in Section 1 of this Act to odorize all gases stored, sold or delivered, in accordance with the terms of this Act, requiring such use at all times in all parts of this State. Such rules and regulations shall have the force and effect of law, and all odorizing substances used in this State in such gases shall meet the full requirements of the orders of said Railroad Commission of the State of Texas and only such odorants or malodorants shall be used as shall be specified in such rules and regulations and in this Act; provided, that the odorants or malodorants used may be uniform throughout the



State, or not, as within the judgment of the Railroad Commission may be determined, but, in any event said Commission shall, immediately upon the passage of this Act, not later than thirty (30) days thereafter, issue such rules and regulations, together with its specifications for the malodorous or odorant to be used and shall notify all persons engaged in said business to comply with this Act and such rules, regulations and specifications.

Sec. 2a. After the effective date of this Act all containers and pertinent equipment installed for use in this State for the storage and dispensing of liquefied petroleum gases for the purpose of providing gas fuel for industrial, commercial and domestic uses, shall be designed, constructed, equipped, and installed as specified under the published regulations of the National Board of Fire Underwriters for the Design, Installation, and Construction of Containers and Pertinent Equipment for the Storage and handling of Liquefied Petroleum Gases, effective July 15, 1934. All containers used for the transportation of liquified petroleum gases over the highways of this State, shall be designed, constructed, and operated in accordance with the published regulations for the Design, Construction, and Operation of Automobile Tank Trucks and Tank Trailers for the Transportation of Liquefied Petroleum Gases adopted by the National Board of Fire Underwriters and the National Fire Protection Association in the year 1935. Containers subject to the regulations of the Interstate Commerce Commission and containers which are owned or used by the Government of the United States of America are excepted from the provisions of this Section.

Sec. 3. The failure of any person or persons, firm or corporation, municipality, or otherwise, or any association, or manufacturing or distributing or storing system in this State handling such gases, as set out in Section 1 hereof, to, within sixty (60) days after the receipt of any order of the Railroad Commission, comply fully with the Act or any such order, rule or regulation, shall be a violation of this Act, subjecting such person or persons, or the officers and executives of such named

concerns to a penalty of One Thousand Dollars (\$1,000) for each day they shall fail to comply with such Act; and the Attorney General is empowered to bring suit for the collection of same in the District Court of Travis County, Texas; and if the offender be a corporation, more than one day's offense or failure shall forfeit its right to do business as a corporation and its right to be a corporation, for which the Attorney General may also seek a quo warranto in the District Court of Travis County.

Sec. 4. The fact that in the past few weeks hundreds of innocent lives have been lost from causes apparently due to escaping or cumulated gas explosions, and that numerous such accidents are constantly occurring by reason of the fact that butane liquefied petroleum gas is practically odorless and undetectable create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended in order that this bill may become a law immediately after its passage, and such rule is hereby suspended, and it is so enacted."

Question—Shall the amendment be adopted?

On motion of Senator Hill, the bill was tabled, subject to call.

#### House Bill No. 392 on Second Reading.

On motion of Senator Head, and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 392, A bill to be entitled "An Act amending Article 1436, Revised Civil Statutes of Texas, 1925, relating to placing of power lines, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, and it was read second time.

Senator Head offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 392 by striking out the word "along" which occurs in the fourth line of Article 1436 as rewritten in said bill.

(2)

Amend H. B. No. 392 by striking out the semicolon which appears just after the word "state" in the last sentence in Section 1 of said bill, inserting a comma in lieu of said semicolon and adding the following language: "Provided, however, that this requirement shall not apply to service wires running from any house, building or structure to the first pole."

The (committee) amendments were adopted severally.

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 392 by adding after words "this state" in line 26 of printed House bill the following:

"and in no case shall such lines be maintained at a height of less than 15 feet."

The amendment was adopted.

H. B. No. 392 was passed to third reading.

#### House Bill No. 392 on Third Reading.

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 392 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield

Nays—2.

Isbell	Woodruff
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Absent—Excused.

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin	Nelson
Beck	Newton
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Head	Sulak
Hill	Van Zandt
Holbrook	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	

Nays—2.

Isbell	Woodruff
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Present—Not Voting.

Oneal

Absent—Excused.

Roberts	Stone
Spears	

#### Senate Bill No. 498 on Second Reading.

On motion of Senator Davis, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 496, A bill to be entitled "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the Counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county, amending Chapter 367, Acts of the Regular Session of the Forty-second Legislature, 1931, as amended by Chapter 24, Acts of the First Called Session of the Forty-third Legislature, repealing all laws in conflict therewith, and declaring an emergency."

On motion of Senator Davis, and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to engrossment.

#### Senate Bill No. 496 on Third Reading.

Senator Davis moved that the constitutional rule requiring bills to be

read on three several days be suspended and that S. B. No. 496 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28.**

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

**Absent—Excused.**

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28.**

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

**Absent—Excused.**

Roberts	Stone
Spears	

**House Bill No. 280 on Second Reading.**

On motion of Senator Cotten and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 280, A bill to be entitled

“An Act authorizing, empowering and directing the board of county and district road indebtedness created by Chapter 13, Article 6674Q-1 et seq., Acts of the Third Called Session of the Forty-second Legislature, to make allowance to Henderson County, Texas, as a credit upon its outstanding road indebtedness of the amount of \$60,669.56 and to increase the State aid effective as of January 1, 1933, to Henderson County, Texas, to make payment of such allowance, and declaring an emergency.”

The Presiding Officer laid the bill before the Senate and it was read second time.

On motion of Senator Cotten, the bill was tabled subject to call.

**Senate Bill No. 135 on Second Reading.**

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 135, A bill to be entitled “An Act to amend Article 543 of Chapter 9, Title 16, of the Revised Civil Statutes of Texas; authorizing the organization of loan and investment companies; providing for the submission of articles of agreement to the Banking Commissioner of Texas; providing for the issuance of a charter by that officer; repealing all laws and parts of laws in conflict therewith, and declaring an emergency.”

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 135 on Third Reading.**

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 135 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28.**

Aikin	Davis
Beck	Head
Brownlee	Hill
Burns	Holbrook
Collie	Isbell
Cotten	Lemens

Moore	Shivers
Neal	Small
Nelson	Sulak
Newton	Van Zandt
Oneal	Weinert
Pace	Westerfeld
Rawlings	Winfield
Redditt	Woodruff

**Absent—Excused.**

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28.**

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

**Absent—Excused.**

Roberts	Stone
Spears	

#### **House Bill No. 1065 on Second Reading.**

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1065, A bill to be entitled "An Act to amend Section 12, S. B. No. 248, Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, and San Jacinto Counties, Texas."

The Presiding Officer laid the bill before the Senate.

On motion of Senator Burns and by unanimous consent, Senate Rules No. 31a and No. 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### **House Bill No. 1065 on Third Reading.**

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1065 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28.**

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

**Absent—Excused.**

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—27.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Head	Sulak
Hill	Van Zandt
Holbrook	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

**Nays—1.**

Isbell

**Absent—Excused.**

Roberts	Stone
Spears	

**House Bill No. 1008 on Second Reading.**

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1008, A bill to be entitled "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of providing for the registration, preservation of the purity of blood, and improvement in the breeding of any species or class of livestock, and to keep, maintain and publish in suitable form the history, record and pedigree thereof, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 1008 on Third Reading.**

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1008 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

Absent—Excused.

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

Nays—1.

Aikin

Absent—Excused.

Roberts	Stone
Spears	

**House Bill No. 352 on Second Reading.**

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 352, A bill to be entitled "An Act to provide for the inspection of steam boilers; defining certain terms; requiring a permit to operate; exempting certain boilers from the provisions of the Act; providing for appointment of a boiler inspector and deputies; providing for promulgation of rules and regulations by the Commissioner of Labor covering the inspection and operation of steam boilers; providing for certain hearings; providing for collection of fees for boiler inspection; providing for publications of rules and regulations; providing for penalties for failure to comply with the provisions of this Act and rules enacted pursuant thereto; for injunction after notice against violators; providing for clerical assistants and supplies; fixing salaries and creating a 'Special Boiler Inspection Fund'; making an appropriation out of the General Revenue Fund; providing a saving clause, and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Hill offered the following (committee) amendments to the bill:

## (1)

Strike out all below the enacting clause and insert in lieu thereof the following:

Section 1. The following terms as used in this Act shall be construed as follows:

"Inspector" as used in this Act meant the inspector of boilers appointed under the provisions of this Act.

"Deputy" means any deputy inspector of boilers appointed under the provisions of this Act;

"Boiler" means any boiler, fuel economizer or pressure vessel used for generating or storing steam or hot water for purposes of power or heating;

"Owner" means any person, firm or corporation owning operating or in charge or control of any boiler as herein defined;

"Safety device" means any valve, plus or appurtenance attached to any boiler for the purpose of diminishing the danger of accidents;

"Code of Rules" means the standard code of rules formulated and adopted by the Commissioner of Labor under the provisions of this Act.

Sec. 2. No steam boiler, unless exempt in the following section, shall be operated in the State of Texas unless there shall have been issued for the operation of such boiler a permit, as hereinafter provided, and unless such permit shall remain in full force and effect; such permit must be posted under glass in a conspicuous place on or near the boiler covered by it; provided, that no prosecution shall be maintained where the issuance of or renewal of such permit shall have been requested and shall remain unacted upon. If the operation of such boiler without such permit shall constitute a serious menace to the lives or safety of persons employed about it, the Commissioner of Labor, the Inspector of Boilers, or Deputy Inspectors, as hereinafter provided for, may apply to the District Court in a suit brought by the Attorney General, District or County Attorney in the county in which such boiler is situated, for an injunction restraining the operation of said boiler until such condition shall be corrected or such permit secured. In all such

cases it shall not be necessary for the attorney bringing the suit to verify the pleadings or for the State to execute any bond as a condition precedent to the issuing of any injunction or restraining order hereunder. The certificate of the Commissioner of Labor, that no permit exists for the operation of such boiler, and the affidavit of any such inspector that its operation constitutes a menace to the life or safety of any person or persons employed about it, shall be sufficient proof to warrant the immediate granting of a temporary restraining order.

Sec. 3. The following boilers are exempt from the provisions of this Act:

(1) Boilers under the jurisdiction of the inspection of the United States government.

(2) Boilers on which the pressure does not exceed fifteen pounds per square inch.

(3) Automobile boilers and boilers on road motor vehicles.

(4) Boilers used exclusively in agricultural pursuits.

(5) Boilers or heating plants in buildings occupied solely for residence purposes with accommodations not to exceed four families.

Sec. 4. The Commissioner of Labor shall cause to be inspected internally and externally not less frequently than once each year every stationary steam boiler subject to the provisions of this Act. Each portable boiler subject to the provisions of this Act shall be inspected externally each time it is moved to a new location, provided that an internal inspection shall be made of every such boiler at least once each year. If such boiler be found, upon inspection, to be in a safe condition for operation a permit shall be issued by the Commissioner for its operation for not longer than one year, which shall be the permit referred to in Section 2 of this Act. If any such inspection shall show such boiler to be in an unsafe or dangerous condition, the Boiler Inspector, or a Deputy, may issue a preliminary order requiring such repairs or alterations to be made to such boiler as may be necessary to render it safe, and may order the use of such boiler discontinued until such repairs or alterations are made or such dangerous or unsafe condi-

tions are remedied. Unless such preliminary order be complied with, a hearing before the Commissioner of Labor shall be allowed, upon request, at which the owner, operator or other person in charge of said boiler shall have opportunity to appear and show cause why he should not comply with said order. If it shall thereafter appear to the Inspector that such boiler is unsafe and that the requirements contained in said preliminary order should be complied with, or that other things should be done to make said boiler safe, the Inspector may order or confirm the withholding of the permit to operate said boiler, and may make such requirements as he deems proper for the repair or alteration of said boiler, or the correction of such dangerous and unsafe conditions. The Inspector in his discretion, may issue and renew temporary permits for not to exceed thirty days each, pending the making of replacements or repairs. Nothing contained in this Act shall be construed to limit the authority of the Commissioner as set forth in Section 6.

Sec. 5. Every insurance company insuring boilers in this State shall, within 30 days after inspecting any such boiler, make in duplicate a report in writing to the Labor Commissioner of Texas showing the date of such inspection, the name of the person making the inspection, such report shall show fully the condition of such boiler at the time such inspection was made and the location of such boiler. Such reports shall also show when the policy of insurance has been issued by said company with reference to said boiler.

Every boiler which has been inspected by an inspector for an insurance company authorized to do business in this State on which such insurance company has issued a policy of insurance after an inspection thereof, may be exempt from other inspections under the provisions of this Act if in the discretion of the Labor Commissioner of Texas such exemption is justified. The Labor Commissioner of Texas is authorized to and has authority to issue a certificate of inspection to the owner of such boiler so inspected; upon payment to the Labor Commissioner of Texas, a fee of Fifty (50) cents therefor provided, however, that

nothing contained herein shall prevent the Labor Commissioner of Texas from making any inspection of such insured boiler at any reasonable time in this State when in the opinion of the Labor Commissioner of Texas the boiler may be in an unsafe condition, provided, further however, that for such inspection no additional charges shall be made, as set out in Section 11 of this Act. It shall be the duty of every owner to keep the certificate in a conspicuous place near the boiler to which it relates. Every insurance company shall notify the Commissioner of Labor in writing of the cancellation or expiration of every policy of insurance issued by it with reference to boilers in this State, giving the cause or reason for such cancellation or expiration. Such notice of cancellation or expiration shall show the date of the policy and the date when the cancellation has or will become effective.

Sec. 6. The Commissioner of Labor is hereby authorized and empowered to promulgate and enforce a code of rules in keeping with standard usage, for the construction, installation, use, maintenance and operation of steam boilers and appurtenances thereof, including the boiler room; and to require such devices and safeguards, and other reasonable means and methods to insure safe operation of steam boilers, except as otherwise exempt from the provisions of this Act, including the registration thereof with the Department.

Before any rule, regulation or order is promulgated by the Commissioner of Labor, or before any rule, regulation or order is amended or repealed, a public hearing shall be held, and not less than ten days before such hearing notice thereof shall be published in at least three newspapers published and having a general circulation in the State of Texas, such newspapers to be selected by the Commission of Labor. After the adoption of any such rules, regulations or orders, a complete copy of the same shall be published in at least three newspapers, as in the notice of the hearing prior to their adoption, on two different days not more than ten days apart, and within thirty days after the adoption of such rules, regulations or orders; and such rules, regulations or orders

shall become effective within ten days after the date of final publication, or at such later time as the Commissioner of Labor may, in the rule, regulation or order, fix; provided, however, that the Commissioner of Labor is hereby authorized and empowered in the case of extreme emergency to promulgate and enforce temporary rules, regulations and orders and temporary specifications as he may deem necessary, without having published the same as herein provided; and provided further, however, that where such temporary rules, regulations, orders or specifications are adopted the same shall not be effective for more than a period of twenty days, and no criminal prosecution, as hereinafter provided for, shall be had until the provisions of Section 16 hereof have been complied with.

Sec. 7. When any interested person shall deem himself aggrieved at any rule, regulation or order of the Commissioner of Labor as herein provided, the Commissioner of Labor, upon being given formal notice of such grievance, and upon same being properly verified, shall cause a hearing to be had wherein such person so complaining shall have an opportunity to show cause, if any, why such rule, regulation, order or specification, general or special, should be set aside, amended or repealed.

Sec. 8. Within thirty days after the passage of this Act, the Commissioner of Labor shall appoint a suitable person to be Inspector of Steam Boilers for the State of Texas. The Boiler Inspector shall be a boiler-maker who shall have had at least five (5) years practical experience in laying out, fabricating, erecting, repairing, welding and inspecting of steam boilers, their appurtenances and unfired vessels to enable him to judge of their safety for use as such, and who is neither directly nor indirectly interested in the manufacture, ownership or agency of steam boilers, their appurtenances and unfired pressure vessels which are to be inspected. It shall also be the duty of the Commissioner of Labor to appoint one Deputy Inspector and such additional deputy Inspectors with like qualifications of the Boiler Inspector and such clerical assistance as may be necessary to carry out the provisions of this Act.

Sec. 9. The salary of said Boiler Inspector shall be Twenty-four Hun-

dred (\$2400.00) Dollars per annum and the salary of each Deputy Inspector shall be Two Thousand (\$2000.00) Dollars per annum, said Inspector and Deputy Inspectors to be allowed actual expenses incurred in the performance of their official duties, and for such equipment as may be deemed necessary. Said expenses incident to carrying out the provisions of this Law shall be paid out of the fund in the State Treasury to the credit of the "State Boiler Inspection Fund" on requisition signed by the Labor Commissioner and warrant of the State Comptroller. The Commissioner of Labor may incur such expenses for clerical assistance and office supplies as may be necessary, not exceeding Five Thousand (\$5000.00) Dollars annually, said sums to be paid by the State Treasurer on warrants from the Comptroller.

Sec. 10. The Commissioner may cause the inspection herein provided for to be made either by the Boiler Inspector or Deputies thereof, or by any qualified boiler inspector employed by any county, city and county, or city, or insurance company, or by any boiler inspector employed by any person or corporation for the purpose of testing his own boilers only; provided, that such persons making inspections other than such safety inspectors first secure from said Commissioner of Labor a certificate of competency to make such inspections. The Commissioner is hereby vested with full power and authority to determine the competency of any applicants for such certificate, by examination. The Commissioner may rescind at any time upon good cause being shown therefor, any certificate of competency issued by him to a Boiler Inspector, or may at any time, upon good cause being shown therefor and after notice and opportunity to be heard, revoke any permit to operate such steam boiler.

Sec. 11. The Commissioner of Labor shall fix and collect fees for the inspection of steam boilers covered by this Act, not exceeding two Dollars and Fifty Cents (\$2.50) for each external inspection and Seven Dollars and Fifty Cents (\$7.50) for each internal inspection per annum. Such fees must be paid before the issuance of any permit to operate the said boiler. No fee shall be charged by the Commissioner of Labor where an



inspection, as herein provided, has been made by an inspector holding a certificate of competency from said Commissioner and employed by any county, city and county, city, insurance company or by any person or corporation for the purpose of testing his own boilers only. All fees collected by the Commissioner under this Act shall be paid into the State Treasury, together with a detailed report of same.

Sec. 12. Every inspector so certified shall forward to the Commissioner on forms provided by him within thirty days after such inspection is made, a report of such inspection, in default of which the certificate of competency may be cancelled.

Sec. 13. Any person, firm or corporation owning or having the custody, management or operation of steam boilers in this State, who shall violate any provision of this Act, or violates any rule, regulation or order promulgated under the provisions of this Act, or who shall fail or refuse to comply with the provisions of this Act, or any part thereof, or any rule, regulation or order promulgated under the provisions of this Act shall be guilty of a misdemeanor and upon conviction therefor shall be subject to a fine of not less than One Hundred (\$100.00) Dollars, or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

Sec. 14. Any owner, manager, superintendent or other person in charge or control of any factory, mill, workshop, mine, store, business house, public or private work, or lessee or operator of the same, or owner or lessee of any mineral estate in land who shall refuse to allow any official or employee of the Bureau of Labor Statistics to enter the same, or to remain therein or thereon for such time as is reasonably necessary, or who shall hinder any such official or employee in any way, or shall in any way prevent or deter him from carrying out the provisions of this Act shall be fined not to exceed One Hundred Dollars (\$100.00), or imprisoned in the County Jail for a period not to exceed sixty (60) days, or shall be punished by both such fine and imprisonment.

Sec. 15. Whenever there shall have been adopted, after notice and hearing as provided under this Act, any rule, regulation or order, no

criminal action shall be maintained against any person involving the violation of any provision of such rule, regulation or order, until the Commissioner shall have promulgated such rule, regulation or order by publishing a complete copy of same in three (3) newspapers of general circulation in the State of Texas (such newspapers to be selected by said Commissioner) one each day for two (2) consecutive days, and on and after the fifteenth (15th) day after the date of the last publication such rule, regulation or order shall be effective and enforceable in any criminal action, brought pursuant to this Act. No criminal action shall be maintained against any person involving the violation of any provision of any amendment or modification of any order of the Commissioner until the Commissioner shall have promulgated such amendment or modification after its adoption by publishing a complete copy of such amended or modified rule, regulation or order in three (3) newspapers of general circulation once each day for two (2) consecutive days, and, on and after the fifteenth (15th) calendar day of the last publication, such amendment or modification of such rule, regulation or order shall become effective and enforceable in any criminal action brought pursuant to this Act.

Sec. 16. A certificate under the seal of the Commissioner of Labor executed by the Commissioner or any Deputy thereof, setting forth the terms of any order of the Commissioner and that it has been adopted, promulgated and published and was in effect at any date during any period specified in such certificate shall be prima facie evidence of all such facts, and such certificate shall be admitted in evidence in any action, civil or criminal, involving such order and the publication thereof without further proof of such promulgation, adoption or publication and without further proof of its contents.

Sec. 17. The funds collected under the provisions of this Act shall be paid into the State Treasury and kept in a special fund to be known as the "State Boiler Inspection Fund" and shall be paid out for salaries, traveling expenses and other expenses specified in this Act upon proper account duly approved by the Commissioner of Labor.

Sec. 18. There is hereby appropriated out of the General Revenue Fund the sum of Fifteen Thousand (\$15,000.00) Dollars to carry out the provisions of this Act, said amount to be replaced by the Commissioner of Labor from fees collected during the first year of the operation of this Act. Any moneys remaining in said fund at the end of each fiscal year shall be transferred to the General Revenue Fund.

Sec. 19. The fact that any section, sub-section, sentence, or clause, or phrase of this Act is declared unconstitutional or invalid for any reason shall not affect the remaining portions of this Act.

Sec. 20. The fact that we do not have a law in Texas to provide for inspection of boilers, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(2)

Strike out all above the enacting clause and insert in lieu thereof the following:

A BILL  
To Be Entitled

An Act to provide for the inspection of steam boilers; defining certain terms; requiring a permit to operate; exempting certain boilers from the provisions of the Act; providing for appointment of a Boiler Inspector and Deputies; providing for promulgation of rules and regulations by the Commissioner of Labor covering the inspection and operation of steam boilers; providing for certain hearings; providing for collection of fees for boiler inspection; providing for publications of rules and regulations; providing for penalties for failure to comply with the provisions of this Act and rules enacted pursuant thereto; for injunction after notice against violations; providing for clerical assistants and supplies; fixing salaries, and creating a "Special Boiler Inspection Fund"; making an appropriation out of the General Revenue Fund; providing for return to General Fund of any moneys remaining at the end of the fiscal year; providing a saving

clause, and declaring an emergency.

(3)

Amend Section 5, Committee Amendment No. 1, paragraph 2, line 16, following the word "condition" by adding the following:

provided that he arrange to contact the insurance company carrying insurance on said boiler, and that the Inspector for the insurance company carrying such insurance and the State Boiler Inspector or Deputy Inspector shall inspect the boiler at the same time within twenty days.

The (committee) amendments were adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 352, page 7 by adding the following between lines 6 and 7, "(6). Boilers used in Cotton Gins."

AIKIN,  
SULAK.

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend Committee Amendment No. 1 to H. B. No. 352, page 8, by striking out all of Section 6 and Section 15.

BURNS,  
WEINERT.

The amendment was adopted.

Senator Hill moved to reconsider the vote by which the amendment by Senator Burns, was adopted.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

Yeas—22.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Collie	Pace
Cotten	Rawlings
Head	Redditt
Hill	Shivers
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Neal	Woodruff

Nays—4.

Burns	Small
Moore	Weinert

Absent.  
Davis Westerfeld  
Absent—Excused.

Roberts Stone  
Spears

Question—Shall the amendment be adopted?

The amendment was lost.

H. B. No. 352 was passed to third reading.

**House Bill No. 352 on Third Reading.**

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 352 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

Nays—1.

Burns

Absent—Excused.

Roberts Stone  
Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22.

Aikin	Isbell
Beck	Lemens
Brownlee	Moore
Cotten	Neal
Head	Nelson
Hill	Newton
Holbrook	Oneal

Pace	Van Zandt
Rawlings	Westerfeld
Redditt	Winfield
Shivers	Woodruff

Nays—4.

Burns	Small
Collie	Weinert

Absent.

Davis	Sulak
-------	-------

Absent—Excused.

Roberts	Stone
Spears	

**Senate Resolution No. 79.**

Senator Pace, by unanimous consent, offered the following resolution:

Whereas, Honorables Richard R. Thompson and Allan Kennedy, Senator and member of the House of Representatives, respectively, of the Legislature of Arkansas, are in the capitol building,

Therefore, Be it resolved by the Senate that they be granted the privilege of the floor and each be invited to address the Senate.

PACE,  
BECK,  
MOORE.

The resolution was read and was adopted by unanimous consent of the Senate.

Accordingly, the Presiding Officer appointed Senators Pace, Moore, and Beck to escort the distinguished visitors to the President's stand.

Senator Pace introduced Hon. Richard R. Thompson, a member of the Senate of the State of Arkansas, who addressed the Senate briefly.

Senator Pace then introduced Hon. Allan Kennedy, a member of the House of Representatives of the State of Arkansas, who addressed the Senate briefly.

**House Bill No. 1057 on Second Reading.**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1057, A bill to be entitled "An Act providing that in certain counties convicts, either laying their

fines out in jail or working such fines out on the County Farm or on the county roads or other public works shall receive a credit therefor of \$1.00 per day for each day worked, or spent in jail, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 1057 by striking out all of engrossed rider.

BECK.

The amendment was adopted.

H. B. No. 1057 was passed to third reading.

#### House Bill No. 1057 on Third Reading.

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1057 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Shivers
Head	Small
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

Absent—Excused.

Roberts	Stone
Spears	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin	Brownlee
Beck	Burns

Collie	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Shivers
Holbrook	Small
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Roberts	Stone
Spears	

#### Senate Joint Resolution No. 5 on Engrossment.

Senator Sulak called up S. J. R. No. 5 from the President's table, on its passage to engrossment; with amendment by Senator Head pending.

Question—Shall the amendment be adopted?

Adjournment.

On motion of Senator Van Zandt, the Senate, at 9:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX.

##### Bills Filed in Department of State.

Austin, Texas, April 29, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Wednesday, April 28, 1937:

H. B. No. 1096:

Vote in Senate, yeas 31, nays 0.

Vote in House, yeas 110, nays 0.

Date signed by the Governor, April 28, 1937.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

EDWARD, CLARK,

Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

**Reports of Standing Committees.**

Committee Room,  
Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 1016, A bill to be entitled "An Act amending Section 6 of Article 46-A of the Revised Civil Statutes of Texas, of 1925, Acts 1931, Forty-second Legislature; amending Article 46-B Revised Civil Statutes of Texas of 1925, as amended by S. B. No. 19, Chapter 39, Acts of the Forty-third Legislature, Second Called Session, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 51, A bill to be entitled "An Act to amend Article 2943, Revised Civil Statutes of 1925 of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1052, A bill to be entitled "An Act amending Section 13 of Chapter 42, page 49, Acts of the Regular Session of the Forty-third Legislature; amending said Section 13 of Chapter 42, with reference to salary to be paid the Judge of the County Court of Jefferson County at Law; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

SMALL, Chairman.  
Committee Room.

Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 1043, A bill to be entitled "An Act declaring all motor vehicle registration or license plates to be the property of the State Highway Commission of Texas until duly or lawfully purchased for use upon a motor vehicle owned by the purchaser thereof; declaring it unlawful for any tax assessor-collector, tax collector or other officer to sell, transfer, convey or otherwise deliver any registration or license plate for any consideration other than the full value thereof paid in lawful money, except in certain cases; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute hereto attached do pass in lieu thereof and be printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 999, A bill to be entitled "An Act validating the incorporation of certain cities and towns of more than six hundred (600) and less than two thousand (2000) inhabitants which have heretofore incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments and be printed.

HEAD, Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on

Judicial Districts, to whom was referred

H. B. No. 1065, A bill to be entitled "An Act to amend Section 12, S. B. No. 248, Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk and San Jacinto Counties, Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 1074, A bill to be entitled "An Act changing and prescribing the time for holding District Court of the Ninth Judicial District of the State of Texas; and to conform all writs and processes of such court to such changes, and make all writs and processes issued or served before this Act take effect, including recognizances and bonds, returnable to the terms of court in the several counties in said district, as herein fixed, and to validate the summoning of grand and petit jurors and juries; and providing for the continuation of court in session in said district when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 260, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of Texas of 1925, as adopted by the Fortieth Legislature, Acts, 1927, page 335, Chapter 228, concerning the qualifi-

cations, duties, appointments, salaries, and removal of probation officers, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 710, A bill to be entitled "An Act amending H. B. No. 201, Chapter 176, Section 2, page 438, Acts of the Regular Session, Forty-fourth Legislature, exempting students who were enrolled in approved law schools within Article 307, Revised Civil Statutes of Texas, 1925, on October 1, 1934, or prior thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 610, A bill to be entitled "An Act repealing Section 11 of Article 7152, Title 122, of the Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 1042, A bill to be entitled "An Act amending Section 2, H. B. No. 32, Chapter 23, page 151, Acts of the Forty-first Legislature, Fifth

Called Session, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute hereto attached do pass in lieu thereof, and be printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 498, A bill to be entitled "An Act amending Article 3935, Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, providing for certain fees of office for justices of the peace; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1070, A bill to be entitled "An Act declaring it unlawful to take, hunt, trap, shoot, or kill any wild pheasant in Smith County, Texas, for a period of three (3) years; prescribing penalty for the violation of the provisions of this Act; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1108, A bill to be entitled "An Act amending Article 2327a,

Revised Civil Statutes of Texas, 1925, as amended by Chapter 59, Acts of the Forty-first Legislature, Second Called Session; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 410, A bill to be entitled "An Act providing that county commissioners' courts and municipal government of any incorporated city, town, or village, may appoint, employ, and pay case workers and investigators to make investigation of needy persons to whom may be supplied necessities furnished by the Texas Relief Commission, any proper Federal Agency or by counties or cities or by anyone of said agencies, commission, cities, or counties; providing that there shall in no case be employed more than one case worker or investigator to every one hundred thousand (100,000) inhabitants of each county of this State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 499, A bill to be entitled "An Act to increase and provide for the salary of the superintendent of public instruction of Denton County; providing for traveling expenses, office expenses; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NELSON, Vice-Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on  
Counties and County Boundaries, to  
whom was referred

S. B. No. 500, A bill to be entitled  
"An Act creating a special road law  
for Kent County, Texas, providing  
that said county may fund or refund  
designated interest-bearing time  
warrants in an amount not exceed-  
ing \$41,500.00 outstanding against  
its road and bridge fund as of March  
15, 1937, by the issuance of funding  
bonds and setting forth the method  
of issuing same; validating all acts  
of the commissioners' court and of  
the county officials of said county in  
authorizing the levying of taxes to  
pay principal and interest thereon  
and in issuing and delivering said  
warrants; provided that the general  
laws pertaining to roads and bridges  
shall be applicable to said county  
when not in conflict with the provi-  
sions hereof; repealing all laws and  
parts of laws in conflict herewith;  
validating all acts and proceedings  
heretofore passed by the commis-  
sioners' court in authorizing the refund-  
ing of said time warrants into bonds  
and declaring an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass and  
be not printed.

SPEARS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on  
Towns and City Corporations, to  
whom was referred

H. B. No. 1064, A bill to be entitled  
"An Act amending Article 1164, Re-  
vised Civil Statutes of Texas, 1925,  
by providing that the Board of Com-  
missioners in any city or town con-  
taining less than two thousand  
(2,000) population, according to  
the last preceding Federal Census,  
may fix the salary of the mayor not  
to exceed Six Hundred Dollars  
(\$600.00) per annum, and declaring  
an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the

recommendation that it do pass and  
be not printed.

HEAD, Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on  
Towns and City Corporations, to  
whom was referred

H. B. No. 588, A bill to be entitled  
"An Act validating all cities of less  
than five thousand (5,000) inhabi-  
tants heretofore incorporated or at-  
tempted in good faith to be incor-  
porated under the General Laws of  
the State of Texas under the com-  
mission form of government, vali-  
dating all elections, election orders,  
election proceedings, affidavits and  
orders of incorporation, and all gov-  
ernmental proceedings performed in  
good faith by the governing bodies  
of such cities or towns since their  
incorporation, or attempted incor-  
poration, providing the provisions  
hereof shall affect no city or town  
now in litigation, and declaring an  
emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass and  
be not printed.

HEAD, Chairman.

Committee Room,  
Austin, Texas, April 28, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on  
Finance, to whom was referred

H. B. No. 1137, A bill to be entitled  
"An Act appropriating any and all  
unexpended balances remaining of  
that certain appropriation made by  
the Forty-fourth Legislature, Regular  
Session, 1935, Section Seven of Chap-  
ter 131, being S. B. No. 467, as  
shown by the Acts of said session,  
page 359, et seq., for the location,  
establishment, erection, equipment,  
and completion of a Tuberculosis  
Sanatorium for Negroes to be known  
as the State Tuberculosis Sanato-  
rium for Negroes; providing the  
rules and regulations governing the  
expenditure thereof; and declaring  
an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the



recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1077, A bill to be entitled "An Act making it unlawful for any person or persons to take fish from the waters of Caddo Lake of the counties of Harrison and Marion by use of a trotline on which hooks are less than three (3) feet apart; providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1120, A bill to be entitled "An Act fixing the salary of County Commissioners in all counties having an assessed valuation of not less than Sixteen Million Dollars (\$16,000,000) nor more than Seventeen Million Dollars (\$17,000,000) and containing a population of not less than nineteen thousand (19,000) nor more than nineteen thousand nine hundred (19,900) according to the last Federal Census; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 142 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 195 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 311 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 424 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 495 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 494 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 309 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 466 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 318 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 284 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 66 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 289 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 64 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 397 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 102, Commending the First Voters League of Texas for its worthy and necessary service to the cause of good government.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1141, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits two (2) counties or portions thereof, one of which counties according to the latest Federal Census had a population of not fewer than fifteen thousand, one hundred and forty (15,140) and not more than fifteen thousand, one hundred and sixty (15,160) inhabitants, whether organized under General or Special Law; providing the values to be fixed by the county board of equalization and taxes to be collected by the assessor-collector; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1122, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, by adding thereto a new section to be known

as Article 1645a, providing for county auditors in counties containing a population of not less than nineteen thousand, one hundred and fifty (19,150) nor more than nineteen thousand, one hundred seventy-five (19,175), according to the last preceding Federal Census; providing for their compensation and the fund from which it shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1115, A bill to be entitled "An Act to validate the organization and creation of all county line rural high school districts, created by General Law or by county boards of trustees; validating the Acts of said county boards of trustees and boards of trustees of such districts; validating all proceedings and acts of said boards of trustees; validating all bonds authorized by said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any act or acts of said districts, or by any Act of the Legislature; making certain exemptions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, March 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 352, A bill to be entitled "An Act to provide for the inspection of steam boilers; defining certain terms; requiring a permit to

operate; exempting certain boilers from the provisions of the Act; providing for appointment of a boiler inspector and deputies; providing for promulgation of rules and regulations by the Commissioner of Labor covering the inspection and operation of steam boilers; exempting incorporated cities and towns that have or may hereafter have inspectors; etc., providing a saving clause, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with committee amendments, with the recommendation that it do pass, and be printed.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1117, A bill to be entitled "An Act making it unlawful for any citizen of this State to hunt with a gun in McLennan County without first procuring a general hunting license and providing certain exemptions; providing the fees for such licenses and the fee to be retained by the collecting officer; providing the disposition of funds collected under this Act; providing a penalty for any violation of this Act; declaring an emergency and the effective date of this Act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute do pass in lieu thereof, and be not printed.

HOLBROOK, Vice-Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1116, A bill to be entitled "An Act making it unlawful for any citizen of this State not a resident of McLennan County to catch or attempt to catch any fish from the waters of McLennan County without having first procured a fishing li-

cense, excepting those under seventeen (17) years of age and holding an artificial lure license; providing the cost of such license and the fee to be retained by the collecting officer; providing a valid date of such license; providing for disposition of funds derived from the sale of such license and the use of same; providing a penalty for any violation of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute do pass in lieu thereof, and be not printed.

HOLBROOK, Vice-Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 1086,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,  
Austin, Texas, April 14, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 471, A bill to be entitled "An Act empowering and authorizing cities and town in the State of Texas having a population in excess of 230,000 and not exceeding 232,000, according to the last preceding or any future Federal Census, to enact ordinances governing operation of all motor vehicles upon the public thoroughfares of such cities; providing that said ordinances may require testing and inspecting such motor vehicles at stated times and approval by the testing and inspecting authorities, including the State Highway Patrol; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with

committee amendments, and be printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, April 29, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 501, A bill to be entitled "An Act granting to Silas Gotcher and also Mrs. Katie Gotcher and husband, S. N. Gotcher, their heirs and assigns, permission to bring suit against the State of Texas, and the State Highway Department in the District Court of Brown County, Texas, for damages alleged to have been sustained by the said Silas Gotcher in the complete demolition of a 1930 Chevrolet Sedan in Brown County, Texas, and for damages alleged to have been sustained by Mrs. Katie Gotcher on account of personal injuries to her occasioned by the demolition of said Chevrolet Sedan automobile on November 6, 1936, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

#### SIXTY-EIGHTH DAY.

(Friday, April 30, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Pace.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	